

Volume 43, Number 14  
Pages 1545–1754  
July 16, 2018  
Part I

SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

# MISSOURI REGISTER

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The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$72.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg) and the CSR is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr). These websites contain rulemakings and regulations as they appear in the paper copies of the Registers and CSR. The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

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October 15, 2018	November 15, 2018	November 30, 2018	December 30, 2018

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at [www.sos.mo.gov/adrules/pubsched](http://www.sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr)

The *Register* address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 2—DEPARTMENT OF AGRICULTURE

### Division 70—Plant Industries

#### Chapter 1—Organization and Description

#### PROPOSED AMENDMENT

**2 CSR 70-1.010 General Organization.** The director is amending sections (1) and (2).

**PURPOSE:** *This amendment updates the listing of programs and locations in the division.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the ref-*

*erence material. The entire text of the rule is printed here.*

(1) The Plant Industries Division is a regulatory and service agency of the Missouri Department of Agriculture and is subdivided into the following bureaus and functions:

(A) The Bureau of Plant Pest Control, under the supervision of the state entomologist, is responsible for administering the following statutes:

1. The Missouri Plant Law requires the state entomologist to make mandatory inspections of nurseries and nursery stock including woody plants and perennials. The Act also requires the state entomologist to stay abreast of serious plant pests; to make surveys for and to control the spread of especially serious plant pests; establish and enforce plant pest quarantines; provide inspection service and issue special certification for plants and plant parts to be shipped to foreign countries; and to issue special certification for plants, plant material and other regulated items being shipped from quarantined areas. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Plant Law are filed in Chapter 10 and Plant Law Quarantines are filed under Chapter 11 of this division; and

2. The Missouri Apiary Law empowers the state entomologist to provide inspection of apiaries within the state and issue certificates on colonies found to be free of American and European foulbrood and other serious bee diseases. This inspection service is optional and must be paid for by the beekeeper receiving inspection. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Apiary Act are filed under Chapter 15 of this division;

(B) The Bureau of Pesticide Control is responsible for administering the following statutes:

1. The Missouri Pesticide Registration Act requires the registration of all pesticides distributed, sold or held for sale in the state of Missouri. Any pesticide is defined to be any substance intended for preventing, destroying, repelling or mitigating any insects, rodents, fungi, weeds or other forms of plant or animal life or viruses, except viruses or fungi on or in living men or other animals. The Act establishes labeling requirements and sets penalties for violators. Inspections of retail dealers of pesticides are performed throughout the state to enforce compliance with this Act. *The forms used to administer this law are on file with the secretary of state;* and

2. The Missouri Pesticide Use Act requires the certification and licensing of persons who apply pesticides for a fee. This includes pest control operators and aerial applicators, as well as other custom applicators of agricultural pesticides. The Act also requires the certification of persons applying any pesticides which have been declared restricted due to its environmental impact. This group of pesticide applicators includes—farmers, called private applicators; government employees who apply pesticides in the course of their duties; and persons involved in research and experimental programs. Pesticide technicians are required to attain verifiable training and become licensed. Dealers of restricted use pesticides must also be licensed. The Act sets penalties for violations. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Pesticide Act are filed under Chapter 25 of this division;

(C) Bureau of Feed and Seed is responsible for administering the following statutes:

1. The Missouri Commercial Feed Law provides for regulation of the feed industry through the registration of commercial feeds and commercial feed manufacturers. The Act requires accurate labeling of commercial feed ingredients. The feed control laboratory supports the work of the bureau by performing analytical tests to determine that protein, fat, fiber, minerals, salt, vitamin A, and drugs actually exist in the feed in the same proportions as guaranteed by the label.

The Act gives the director of agriculture the authority to stop-sale any feed failing to meet the labeling claims. An inspection fee of ten cents (10¢) per ton is charged to manufacturers for commercial feed inspected under the program in Missouri. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Commercial Feed Law are filed under Chapters 30 and 31 of this division; and

2. The Missouri Seed Law requires the licensing of wholesale and retail seed dealers and requires accurate labeling of agricultural and vegetable seed sold in this state. The statute also provides for personnel and laboratory facilities to determine that the label guarantees for purity, germination, and noxious weeds are within tolerances set by the Act. The test date for seed must be shown on the label and all seed must be sold within nine (9) months of testing. Stop-sales are placed on seed failing to meet the statutory requirements. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Seed Law are filed under Chapter 35 of this division; *[and]*

(D) The following statutes are also administered by the Plant Industries Division:

1. *[The Missouri Treated Timber Products Law requires all companies selling timber products treated with preservatives to register with and be licensed by the Missouri Department of Agriculture. It requires branding of treated timber products and sets standards for retention of preservatives. Core samples of treated timber products are analyzed to determine compliance with the Act. The forms used to administer this law are on file with the secretary of state. Rules pertaining to the Missouri Treated Timber Products Law are filed under Chapter 40 of this division;] Hemp extract cultivation and production facility licensing and inspection authority is granted under section 261.265, RSMo. Rules pertaining to this chapter are filed under Chapter 14 of this division; and*

2. The Missouri Johnson Grass Control Eradication Law is a county option law which, after approval by a majority electorate of a county, allows the director of agriculture to appoint a county weed control board and requires the control and eradication of Johnson grass on both private and public lands within the county. Rules pertaining to the Missouri Johnson Grass Control and Eradication Law are filed under Chapter 45 of this division; *[and]*.

*[3. Horticultural inspection, both shipping point and receiving point, is performed through statutory authority granted the director of agriculture in the Missouri Standardization, Inspection and Marketing of Agricultural Products Act, Chapter 265, RSMo (1986).*

*A. Shipping point inspections are provided to determine that quality and grades of fresh fruit and vegetables being packed and shipped are as guaranteed by the producer.*

*B. Receiving point inspections are made to determine that produce being received by distributors or brokers is of the quality and grade guaranteed by the producer. The Act also gives the director authority to establish grades of fresh fruit and vegetables.*

*C. All cost incurred in providing shipping point and receiving point inspections, other than supervisory costs, must be paid by companies receiving these services. The forms used to administer this law are on file with the secretary of state. Rules pertaining to this Act are filed under Chapter 50 of this division.]*

(2) The Plant Industries Division is administered by the divisional director and administrative staff with the main offices located at 1616 Missouri Blvd., Jefferson City, MO 65109.

(A) The mailing address is: Plant Industries Division, Missouri Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102. Telephone (314) 751-2462 or (314) 751-4310.

(B) The following laboratories and outlying offices are functions of the Plant Industries Division:

1. Feed Control Laboratory, *[2634 C Industrial Drive]* 115 Constitution Drive, Jefferson City, Missouri. Mail should be sent to P.O. Box 630, Jefferson City, MO 65102; *and*

2. Seed Control Laboratory, *[1616 Missouri Blvd.]* 115 Constitution Drive, Jefferson City, Missouri. Mail should be sent to P.O. Box 630, Jefferson City, MO 65102; *and*.

*[3. Horticultural Inspection Office, Monett, Missouri. Mailing address is P. O. Box 511, Monett, MO 65708;]*

*AUTHORITY: section 536.023, RSMo [1986] 2016. Original rule filed April 9, 1976, effective July 15, 1976. Amended: Filed April 16, 1990, effective Sept. 28, 1990. Amended: Filed June 14, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivision more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 2—DEPARTMENT OF AGRICULTURE

### Division 70—Plant Industries

### Chapter 10—Missouri Plant Law Rules

#### PROPOSED AMENDMENT

**2 CSR 70-10.080 Certification Requirements.** The department is deleting sections (1)–(7) and renumbering those renumbered sections.

*PURPOSE: This amendment removes regulatory inspections that are no longer relevant.*

*PURPOSE: This rule sets forth the procedures for [specialized inspections and] certification of [all the following: bramble plants, strawberry plants, sweet potato seed, sweet potato plants, vegetable transplants, out-of-state growers of sweet potatoes and vegetable transplants, any plants not listed in the Missouri Plant Law and collected native wild plant material] native wild plant material, virus-free fruit tree nursery stock, and virus-free grapevine nursery stock.*

*[(1) Applications for bramble plant certification must be made before May 15. Two (2) field inspections shall be required for the certification of bramble plants. The first inspection shall be made in the early spring prior to the time of fruit setting and the second inspection during early fall before freezing stops growth.*

*(2) For the regular certification of strawberry plants, applications must be made before May 15. Two (2) field inspections shall be required for certification. The first inspection shall be made in early spring prior to the time of fruit setting and the second inspection during early fall before freezing stops growth.*

(A) Strawberries must be grown in a manner that will prevent mixing of different varieties.

(B) A minimum of six feet (6') must be maintained between rows of different varieties.

(3) Virus disease certification of strawberry plants is provided for under this section. Certified plants advertised or sold with reference to freedom from infectious viruses must meet one (1) of the three (3) following classifications:

(A) Plants bearing the gold tag, registered strawberry virus certificate must be the increase directly from indexed plants at a state experiment station or other approved indexed source. Registered plants must have been grown under screen house or other insect-free conditions;

(B) Plants bearing the blue tag, virus-free certificate must not be over two (2) generations (seasons) from state-approved plants indexed to be free of infectious viruses. State recommended and supervised virus control program must have been followed satisfactorily; and

(C) Plants bearing the green tag, virus-free certificates must be from sources known and Missouri approved or certified to be essentially free of all known infectious strawberry viruses. They must not be over three (3) generations (seasons) from state-approved indexed plants. The strawberry virus control program being currently recommended by the state must have been satisfactorily followed.

(4) Sweet potato seed inspection is optional and any grower desiring to produce certified sweet potato seed must apply to the state entomologist not later than July 1 for inspection. The following provisions and rules shall apply to these inspections and certifications:

(A) Certified sweet potato seed requires three (3) inspections—two (2) in the field and the third in storage. A sweet potato certificate will be issued to the grower after three (3) satisfactory inspections have been made. The first two (2) field inspections will be made thirty (30) days apart during the growing season. Each variety must be grown separately, row by row. Mixed varieties within the row will disqualify for certification. The presence of sweet potato weevil or more than two percent (2%) of the plants per acre infected with stem rot or wilt, or both, also will disqualify for certification. The sweet potato fields must be rogued free of diseased and off-type plants and be ready for inspection at the time requested. The third inspection will be made while the potatoes are in storage. The storage house, hampers or other containers must be thoroughly cleaned and disinfected with formaldehyde solution containing one (1) pint of formaldehyde to thirty (30) gallons of water, or other approved disinfectants, before sweet potato seed is stored. Seed potatoes must be segregated and stored apart from table or ungraded stock; and

(B) There are two (2) types of certification for seed sweet potatoes, the regular certification and the special, gold tag certification—

1. Regular certification will be refused for any of the following: when more than one percent (1%) of the sweet potatoes in a lot, inspected during the storage inspection, are found to be infected with black rot; when more than two percent (2%) of other diseases such as scurf, pox, charcoal rot and others are found in a lot, the entire lot will be refused; and when the total percent of infections for all diseases exceeds four percent (4%). If sweet potatoes and table stock are stored in the same house or other storage place, they must be in separate containers and separate lots. All seed potatoes must be arranged in a way that they are easily accessible for inspection; and

2. Special, gold tag certification requires a zero (0) tol-

erance for internal cork virus disease; a one-half percent (1/2%) tolerance on black rot disease; and a total of not more than one percent (1%) for all diseases. Potatoes carrying the special gold tag certificate must be in separate containers and set apart from any other stock.

(5) Sweet potato plant or slip inspection is optional and any person desiring to produce certified plants will be issued a certificate of sweet potato plant inspection by the state entomologist when the following provisions are met:

(A) The grower shall furnish certified evidence of the origin of his/her certified sweet potato seed and his/her plant beds must pass a satisfactory inspection for freedom from plant pests. In addition s/he must sign a statement that s/he has complied with the following requirements:

1. That s/he has bedded only certified sweet potato seed. A grower cannot bed both certified and noncertified seed. A plant grower cannot sell both certified and noncertified plants;

2. That before bedding, for the purpose of producing certified plants for sale, all sweet potato seed was hand culled carefully and all potatoes with any spots or rots were discarded;

3. That before bedding, all sweet potato seed was dipped to prevent disease in accordance with recommendations of the University of Missouri Extension Division;

4. That the sweet potato seed was bedded in soil in which sweet potatoes had never been grown;

5. That the hot beds are located where drainage will not wash into them from barnyards, sweet potato houses or infected fields;

6. That all old hot beds were thoroughly cleaned and disinfected with formaldehyde (one (1) pint to thirty (30) gallons of water) or other state-approved disinfectants; and

7. That manure was not used in or on hot beds. Some method of heating the beds must be used; and

(B) When moving certified sweet potato plants, a copy of the certificate must be attached to each separate bundle, package, basket, crate or container holding certified sweet potato plants or slips.

(6) Vegetable transplant inspection is optional and is provided for any grower desiring to produce certified vegetable transplants. Application for inspection must be made with the office of the state entomologist at least thirty (30) days prior to shipments. A certificate of inspection may be issued after the first inspection. Reinspections may be made, and reports of inspections issued, as often as every ten (10) days during the growing season, depending upon the requirements of the state of destination.

(7) Out-of-state sweet potato growers or any other individual or company must obtain a sweet potato permit-certificate from the Missouri state entomologist in order to ship seed sweet potatoes, sweet potato plants, slips, vines or cuttings into this state. Their permit-certificate must be attached to each package or container.

(A) Each nonresident individual or company shall file with the state entomologist a grower's statement and a copy of the certificate of inspection issued by the proper authorities within the state in which they were grown, certifying that an authorized inspector has inspected the plants or plant parts and found them to be free from plant pests. On compliance with these requirements, the state entomologist will issue a sweet potato permit-certificate without charging a fee.

(B) Out-of-state vegetable transplant growers must file, with the Missouri state entomologist, a grower's statement and a copy of their certificate of inspection certifying that an

*authorized inspector has inspected the vegetable transplants and found them to be free from plant pests.]*

*[(8)](1)* The inspection of collected native wild plant material is required and is provided for in this section. Whenever an individual offers for sale collected native wild plant material, it shall be advertised and sold as such. The buyer must be informed as to the nature of this stock and all shipments must bear a collected native wild plant inspection certificate. Certification shall be on the basis of inspection of the collecting range or periodic inspections of plant material being sold.

*[(9)](2)* Fruit tree virus disease certification of nursery stock is provided for under this section. Certified nursery stock advertised or sold with reference to freedom from virus and virus-like disease and sources of propagating material for virus-certified nursery stock shall meet one (1) of the following classifications:

(A) Cooperating nurseries may register parent trees with the Missouri Department of Agriculture to serve as source material for scion blocks. These trees will be known as Registered Parent Trees. Registered Parent Trees shall meet the following requirements:

1. The source of budwood for Registered Parent Trees shall be either the Interregional Research Project (IR-2), another government-approved virus-free repository or a source indexed and visually inspected for freedom from virus infection under the supervision of the Missouri Department of Agriculture for the following diseases:

A. Malus sources shall be indexed for freedom from stem pitting, stem grooving, spy lethal, bud necrosis, and chlorotic leaf spot. These sources shall have borne fruit and shall be inspected visually for other infectious abnormalities such as scar skin, rubbery wood, mosaic, and flat limb;

B. Pyrus sources shall have borne fruit and shall be inspected visually for foliar and fruit abnormalities of a genetic or infectious nature;

C. Prunus sources shall be indexed for freedom from prunus ring spot virus, prune dwarf virus, and green ring mottle. They shall have borne fruit and shall be inspected visually for foliar and fruit abnormalities of a genetic or infectious nature; and

D. The Missouri Department of Agriculture may require the indexing for any additional virus diseases as it shall determine necessary;

2. The source of understock for Registered Parent Trees shall be one (1) of the following:

A. True seedlings of Malus or Pyrus;

B. Clonal understocks indexed and certified for freedom from virus by the Missouri Department of Agriculture or the department of agriculture of another state or country whose certificate is acceptable to the Missouri Department of Agriculture; and

C. Prunus seedlings from seed from trees indexed and certified for freedom from seed-borne virus by the Missouri Department of Agriculture or a certifying body acceptable to the Missouri Department of Agriculture;

3. Registered Parent Trees shall be maintained in isolation from noncertified trees of the same genus. Malus and Pyrus shall have at least one hundred fifty feet (150') of isolation. Prunus shall have at least one-fourth (1/4) mile of isolation;

4. All Registered Parent Trees shall be inspected visually at least once a year under the supervision of the Missouri Department of Agriculture;

5. Registered Parent Trees may be indexed at any time at the discretion of the Missouri Department of Agriculture;

6. Any Registered Parent Tree found infected with virus shall be removed within no more than ten (10) days of receipt of notice from the Missouri Department of Agriculture;

7. The nursery shall provide the Missouri Department of Agriculture with charts showing the location and variety of each Registered Parent Tree. The nursery's records of the indexing and maintenance history of these trees shall be available for inspection by

the Missouri Department of Agriculture during normal business hours after reasonable notice;

8. The nursery shall notify the Missouri Department of Agriculture before adding any tree to the Registered Parent Tree growing area; and

9. Registered Parent Trees shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture;

(B) Cooperating nurseries may register groups of trees with the Missouri Department of Agriculture to serve as source material for the propagation of virus-certified nursery stock. These groups of trees will be known as Registered Scion Blocks. Trees in Registered Scion Blocks shall meet the following requirements:

1. The source of budwood for Registered Scion Block Trees shall be from Registered Parent Trees as set forth in subsection *[(9)](2)(A)*, IR-2, or another government-approved virus-free repository;

2. The source of understock for Registered Scion Block Trees shall meet the same standards as understocks for Registered Parent Trees as set forth in paragraph/s *(9)](2)(A)2.*;

3. Registered Scion Blocks shall be maintained in isolation from noncertified trees of the same genus. Malus and Pyrus shall have at least one hundred fifty feet (150') of isolation. Prunus shall have at least four hundred fifty feet (450') of isolation;

4. In any Registered Scion Blocks established after these rules go into effect, whenever there is more than one (1) variety in a row, there shall be a separation of at least ten feet (10') between varieties;

5. All Registered Scion Blocks shall be inspected visually at least once a year under the supervision of the Missouri Department of Agriculture;

6. Registered Scion Block Trees may be reindexed at any time at the discretion of the Missouri Department of Agriculture;

7. Any Registered Scion Block Tree found infected with a virus shall be removed within no more than ten (10) days of receipt of notice from the Missouri Department of Agriculture;

8. The nursery shall provide the Missouri Department of Agriculture with charts showing the location and varieties included in each Registered Scion Block. The nursery's records of the sources of budwood and understock shall be available for inspection by the Missouri Department of Agriculture during normal business hours after reasonable notice;

9. The nursery shall notify the Missouri Department of Agriculture before adding any trees, buds, or understocks to any Registered Scion Block; and

10. Registered Scion Blocks shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture;

(C) Cooperating nurseries may register Prunus trees with the Missouri Department of Agriculture to serve as a source of seed for the production of virus-certified nursery stock, Registered Scion Block Trees, and Registered Parent Trees. These trees will be known as Registered Seed Source Trees. Registered Seed Source Trees shall meet the following requirements:

1. Registered Seed Source Trees shall be either indexed under the supervision of the Missouri Department of Agriculture for freedom from seed-borne viruses or must be propagated from budwood and understock meeting the same requirements as for propagating Registered Scion Block Trees as set forth in paragraphs *[(9)](2)(B)1.* and *2.*; and

2. Isolation, inspection, indexing, recordkeeping, and notification requirements shall be the same as for Registered Parent Trees as set forth in paragraphs *[(9)](2)(A)3.-9.*;

(D) Cooperating nurseries may register clonal plantings of self-rooted certified trees with the Missouri Department of Agriculture for the purpose of producing vegetatively-propagated rootstocks. These plantings will be known as Registered Stool Beds and shall meet the following requirements:

1. The source of propagating material for Registered Stool Beds shall meet the same requirements as budwood for Registered Parent Trees as set forth in paragraph *[(9)](2)(A)1.*;



2. Registered Stool Beds shall be maintained in isolation of one hundred fifty feet (150') from noncertified trees of the same genus; and

3. Inspection, reindexing, removal, recordkeeping, and notification requirements shall be the same as for Registered Parent Trees as set forth in paragraphs *[(9)](2)(A)*4.-9.;

(E) Nursery stock bearing the Fruit Tree Budwood and Understock Virus Certificate shall meet the following requirements:

1. The source of budwood for the top variety and interstems shall be Registered Scion Block Trees or Registered Parent Trees as set forth in subsections *[(9)](2)(A)* and (B);

2. The source of understock shall be one (1) of the following:

A. True seedlings of *Malus* or *Pyrus*;

B. Clonal understocks produced in Registered Stool Beds as set forth in subsection *[(9)](2)(D)* or bearing a virus certificate from a certifying body acceptable to the Missouri Department of Agriculture; and

C. Seedlings from seed of Registered Seed Source Trees as set forth in subsection *[(9)](2)(C)* or from seed bearing a virus certificate from a certifying body acceptable to the Missouri Department of Agriculture;

3. The nursery stock shall be grown in blocks separated from noncertified trees of the same genus by at least ten feet (10');

4. In any new plantings of nursery stock under this certification established after these rules go into effect, whenever there is more than one (1) variety in a nursery row, there shall be a separation of at least five feet (5') between varieties;

5. The nursery stock shall be inspected visually at least once a year by the Missouri Department of Agriculture;

6. Samples of nursery stock bearing the Fruit Tree Budwood and Understock Certificate may be indexed at the discretion of the Missouri Department of Agriculture;

7. The nursery shall provide the Missouri Department of Agriculture with charts showing the growing location and quantity of nursery stock produced under this certificate. They also shall provide copies of virus certificates for nursery stock and propagating material received from outside Missouri. The records of sources of propagating material shall be open for inspection by the Missouri Department of Agriculture; and

8. Nursery stock in the field and in storage shall be marked in such a manner as to be easily identifiable to the Missouri Department of Agriculture as virus-certified material;

(F) Nursery stock bearing the Fruit Tree Budwood Virus Certificate shall meet the following requirements:

1. The source of budwood for the top variety and interstems shall be Registered Scion Block Trees or Registered Parent Trees as set forth in subsections *[(9)](2)(A)* and (B);

2. The nursery stock shall be grown in blocks separated from noncertified trees of the same genus by at least ten feet (10');

3. In any new plantings of nursery stock under this certification established after these rules go into effect, whenever there is more than one (1) variety in a nursery row there shall be a separation of at least five feet (5') between varieties;

4. The nursery stock shall be inspected visually at least once a year by the Missouri Department of Agriculture;

5. Samples of nursery stock may be indexed at the discretion of the Missouri Department of Agriculture;

6. The nursery shall provide the Missouri Department of Agriculture with charts showing the growing location and quantity of nursery stock produced under this certification. They also shall provide copies of virus certificates for nursery stock and propagating material received from outside Missouri. The nursery's records of sources of propagating material shall be open for inspection by the Missouri Department of Agriculture during normal business hours after reasonable notice; and

7. Nursery stock in the field and in storage shall be marked in such a manner as to be easily identifiable to the Missouri Department of Agriculture and nursery personnel as virus-certified materi-

al; and

(G) Nursery stock or seed bearing the Fruit Tree Understock Virus Certificate shall meet the following requirements:

1. The source of seed bearing this certificate shall be Registered Seed Source Trees as set forth in subsection *[(9)](2)(C)*. Seedlings bearing this certificate must be grown from seed of Registered Seed Source Trees as set forth in subsection *[(9)](2)(C)* or from seed bearing the virus certificate of a certifying body acceptable to the Missouri Department of Agriculture. Clonal understocks bearing this certificate must be propagated in Registered Stool Beds as set forth in subsection *[(9)](2)(D)*;

2. Seedlings shall be grown in blocks separated from noncertified trees of the same genus by ten feet (10');

3. The nursery stock shall be inspected visually at least once a year by the Missouri Department of Agriculture;

4. Samples of nursery stock or seed bearing the Fruit Tree Understock Virus Certificate may be indexed at the discretion of the Missouri Department of Agriculture;

5. The nursery shall provide the Missouri Department of Agriculture with charts showing the growing location and quantity of nursery stock and seed produced under this certificate. They also shall provide copies of virus certificates of seed received from outside Missouri. The records of sources of propagating materials shall be open for inspection by the Missouri Department of Agriculture; and

6. Nursery stock in the field and in storage and seed in storage shall be marked in such a manner as to be easily identifiable to the Missouri Department of Agriculture as virus-certified material.

*[(10)](3)* Grape virus disease certification of nursery stock is optional and is provided for under this section. Grapevines advertised or sold with reference to freedom from virus and virus-like diseases and propagating material for virus-certified grapevines shall meet one (1) of the following classifications:

(A) Foundation blocks shall be registered with the Missouri Department of Agriculture. These will serve as source material for the propagation of registered stock blocks and virus-certified nursery stock and may be located at cooperating nurseries or other locations approved by the Missouri Department of Agriculture and shall meet the following requirements:

1. Propagating wood for foundation blocks shall be from material which has been tested for and found to be apparently free from the following viruses: fanleaf degeneration, leaf-roll, corky bark, American grape decline (peach rosette-mosaic virus), fleck, stem-pitting, tobacco ringspot virus, and tomato ringspot virus;

2. Foundation block vines shall be tested at appropriate intervals by the Missouri Department of Agriculture for the viruses listed in paragraph *[(10)](3)(A)*1.;

3. Foundation blocks shall be at least one hundred feet (100') from land on which noncertified grapevines have been grown within the past ten (10) years;

4. All foundation blocks shall be inspected visually at least twice a year in the spring and in the fall by the Missouri Department of Agriculture;

5. Any foundation block plants found to be infected with virus or virus-like diseases shall be removed under the supervision of the Missouri Department of Agriculture and within ten (10) days of receipt of notice from the department;

6. The Missouri Department of Agriculture shall be provided with charts showing the location and variety of each foundation block plant;

7. The Missouri Department of Agriculture shall be notified before any grapevines are added to a foundation block;

8. Foundation block plants shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture; and

9. The Missouri Department of Agriculture may require such treatments or precautionary measures as may be necessary to protect

against infection or infestation with the viruses listed in paragraph [(10)/(3)(A)1.;

(B) Registered Stock Block—Cooperating nurseries shall register stock block plants with the Missouri Department of Agriculture. These may serve as a source of propagating material for nursery stock. Plantings of these vines will be known as Registered Stock Blocks and shall meet the following requirements:

1. Propagating wood for Registered Stock Blocks shall originate from foundation blocks or from grapevines which meet or exceed the Missouri requirements for foundation block plants;

2. Registered Stock Block plants may be tested for infection by viruses at any time at the discretion of the Missouri Department of Agriculture; and

3. Requirements of paragraphs [(10)/(3)(A)3.–9. also shall apply to Registered Stock Blocks;

(C) Nursery stock bearing the Grapevine Virus Certificate shall meet the following requirements:

1. The source of propagating wood shall be registered stock block vines, foundation block vines or propagating wood which meets the requirements of Registered Stock Block vines;

2. Samples of nursery stock bearing the Grapevine Virus Certificate may be virus-tested at the discretion of the Missouri Department of Agriculture;

3. The nursery stock shall be planted at least one hundred feet (100') from land on which noncertified grapevines have been grown within the past ten (10) years. This also includes container-grown stock;

4. The propagating area shall be disinfected in a manner approved by the Missouri Department of Agriculture any time it is utilized for the propagation of grape plants that do not meet the virus-free certification requirements;

5. The nursery stock shall be inspected at least once a year by the Missouri Department of Agriculture;

6. The nursery shall provide the Missouri Department of Agriculture with the charts showing the growing location and quantity of nursery stock produced under this certificate;

7. Nursery stock in propagating areas in the field and in storage shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture as virus-certified material; and

8. Nursery stock shall remain in the nursery row for no more than two (2) growing seasons; and

(D) Foundation container grapevines, grown in greenhouses, which are isolated from noncertified grapevines, may be registered with the Missouri Department of Agriculture to serve as propagating material for virus-certified nursery stock and virus-certified stock plants, and shall meet the following requirements:

1. Propagating wood for foundation container grapevines shall have been tested and found to be apparently free from the viruses listed in paragraph [(10)/(3)(A)1.;

2. Requirements set forth for foundation blocks in paragraphs [(10)/(3)(A)3.–9. shall apply to foundation container grapevines; and

3. Nursery stock propagated from foundation container grapevines bearing the Grapevine Virus Certificate shall be no more than four (4) cutting generations removed from plants which have been tested for and found to be apparently free from the diseases listed in paragraph [(10)/(3)(A)1.

**AUTHORITY:** section 263.040, RSMo [1986] 2016. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. For intervening history, please consult the Code of State Regulations. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 2—DEPARTMENT OF AGRICULTURE**

### **Division 70—Plant Industries**

#### **Chapter 11—Missouri Plant Law Quarantines**

#### **PROPOSED RESCISSION**

**2 CSR 70-11.020 Japanese Beetle Intrastate Quarantine.** This rule was enacted to prevent the spread of a serious insect pest, known as the Japanese beetle, within this state and to other uninfested states and to establish those areas which are to be regulated.

**PURPOSE:** This quarantine is no longer viable for species control.

**AUTHORITY:** sections 263.040 and 263.050, RSMo 1986. Original rule filed Sept. 10, 1959, effective Sept. 20, 1959. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 2—DEPARTMENT OF AGRICULTURE**

### **Division 70—Plant Industries**

#### **Chapter 11—Missouri Plant Law Quarantines**

#### **PROPOSED RESCISSION**

**2 CSR 70-11.030 Pink Bollworm Intrastate Quarantine.** This rule was enacted to prevent the spread of a serious insect pest, known as the Pink Bollworm, *Pectinophora gossypiella*, to other uninfested areas of the State of Missouri, and other states, and to establish those articles and areas which are to be regulated. *Pectinophora gossypiella* (Saunders).

**PURPOSE:** This quarantine is no longer viable for species control.

**AUTHORITY:** sections 263.040, RSMo 1986 and 263.050, RSMo Supp. 1993. Original rule filed Dec. 10, 1974, effective Dec. 20, 1974. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities

more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 11—Missouri Plant Law Quarantines**

**PROPOSED RESCISSION**

**2 CSR 70-11.050 Emerald Ash Borer Intrastate Quarantine.** This rule was enacted to prevent the spread of a serious insect pest, known as the Emerald Ash Borer, *Agrilus planipennis* Fairmaire to other uninfested areas of the state of Missouri, and other states, and to establish those articles and areas which are to be regulated.

**PURPOSE:** This quarantine has been superseded by a federal quarantine.

**AUTHORITY:** sections 263.040, 263.050, and 263.180, RSMo 2000. Emergency rule filed Aug. 18, 2008, effective Aug. 28, 2008, expired Feb. 26, 2009. Original rule filed Dec. 18, 2008, effective July 30, 2009. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 12—Sustainable Agriculture**

**PROPOSED RESCISSION**

**2 CSR 70-12.010 Sustainable Agriculture Demonstration Awards.** This rule was enacted to set forth the requirement for funding the development and coordination of demonstration projects on the lands of individual farmers in this state under actual farming conditions that will reduce the dependency of food and fiber production on non-renewal inputs.

**PURPOSE:** The statutory authority for this rule was repealed in 2012 (H.B. 1608).

**AUTHORITY:** section 261.105, RSMo 1994. Original rule filed Nov. 9, 1994, effective April 30, 1995. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 15—Missouri Apiary Law Rules**

**PROPOSED RESCISSION**

**2 CSR 70-15.035 Elimination of American Foulbrood Disease.** This rule was enacted to establish acceptable methods of eliminating American foulbrood disease from the apiary.

**PURPOSE:** This action will clarify existing apiary rules by uniformly addressing control measures for all apiary arthropod pests and diseases in 2 CSR 70-15.045.

**AUTHORITY:** section 264.095, RSMo 1986. Original rule filed Oct. 12, 1978, effective Feb. 1, 1979. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 15—Missouri Apiary Law Rules**

**PROPOSED AMENDMENT**

**2 CSR 70-15.045 [The Elimination of Diseases Other Than American Foulbrood] Control of Apiary Arthropod Pests and Diseases.** The director is amending the title, purpose statement, and section (1).

**PURPOSE:** This amendment clarifies apiary pest and disease certification.

**PURPOSE:** This rule establishes how [disease other than American foulbrood shall] apiary arthropod pests and diseases will be dealt with prior to certification of the colony.

(1) The [elimination of diseases other than American foulbrood shall] control of apiary arthropod pests and diseases will be dealt with on an individual basis. Apiary inspectors will determine whether certification is possible. Written recommendation will be given for those arthropod pests and diseases that require some

type of treatment for control. When certification is withheld, reinspection will be made within a six (6)-month period.

**AUTHORITY:** section 264.095, RSMo [1986] 2016. Original rule filed Oct. 12, 1978, effective Feb. 1, 1979. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.010 Definitions of the Missouri Department of Agriculture Organic Program.** This rule defined terms to be used when implementing the Missouri Department of Agriculture Organic Program.

**PURPOSE:** This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

**AUTHORITY:** section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.015 The Adoption of NOP Standards.** This rule outlined the portions of NOP 7 CFR, Part 205 that were adopted as Missouri Department of Agriculture (MDA) Organic Program standards.

**PURPOSE:** This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

**AUTHORITY:** section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.020 MDA Organic Program Advisory Board.** This rule established a Missouri Department of Agriculture (MDA) Organic Program Advisory Board and defined its duties.

**PURPOSE:** This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

**AUTHORITY:** section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.025 Procedures for Organic Certification.** This rule outlined the procedures for application for organic certification or

recertification by the Missouri Department of Agriculture (MDA) Organic Program, with associated fees.

*PURPOSE: This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.*

*AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.030 Records to be Maintained for Certification.** This rule described the records that organic entities maintained for organic certification or recertification by the Missouri Department of Agriculture (MDA) Organic Program.

*PURPOSE: This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.*

*AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.035 Inspections and Sampling for Certification.** This rule outlined procedures that the Missouri Department of Agriculture (MDA) Organic Program utilized for inspections and sampling of certification applicants and certified organic entities.

*PURPOSE: This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.*

*AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.040 Complaints and Investigations.** This rule outlined the criteria that the program used to determine when to investigate complaints.

*PURPOSE: This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.*

*AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.045 Compliance Enforcement.** This rule outlined the criteria that the program used to determine when to implement compliance enforcement actions, and the procedures followed for the compliance actions.

*PURPOSE:* This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

*AUTHORITY:* section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.050 Certificates Issued as Result of Certification with the MDA Organic Program.** This rule outlined procedures for issuing certificates to organic entities that were certified by the program.

*PURPOSE:* This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

*AUTHORITY:* section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box

630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.055 MDA Organic Program Seal.** This rule established a Missouri Department of Agriculture (MDA) Organic Program Seal, and the criteria for use of the seal.

*PURPOSE:* This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

*AUTHORITY:* section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 16—Missouri Department of Agriculture**  
**Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.060 Registration with the MDA Organic Program.** This rule outlined procedures for organic entities to be registered with the program, with associated fees.

*PURPOSE:* This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

*AUTHORITY:* section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 16—Missouri Department of Agriculture  
Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.065 Inspection and Sampling for Registration.** This rule outlined inspection and sampling procedures of applicants and registrants with the program.

*PURPOSE:* This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

*AUTHORITY:* section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 16—Missouri Department of Agriculture  
Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.070 Marketing When Registered with the MDA Organic Program.** This rule described the use of the "Registered by the MDA Organic Program" logo.

*PURPOSE:* This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

*AUTHORITY:* section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 16—Missouri Department of Agriculture  
Organic Program**

**PROPOSED RESCISSION**

**2 CSR 70-16.075 Organic Certifying Agent Registration.** This rule outlined the procedures for certifying agents that certified organic entities in the state of Missouri to register with the program.

*PURPOSE:* This rule is being rescinded as the Missouri Department of Agriculture Organic Program is no longer an accredited certifier for the United States Department of Agriculture's National Organic Program.

*AUTHORITY:* section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 25—Pesticides**

**PROPOSED RESCISSION**

**2 CSR 70-25.070 Requirements for Certified Commercial Applicators or Public Operators in Structural Pest Control.** This rule set forth the qualifications required for those persons who wished to be certified as commercial applicators or public operators in the category of structural pest control. This category is described in 2 CSR 70-25.100(5)(G). The rule set forth training and experience requirements for those individuals to be certified in this category.

*PURPOSE:* Rescission of this rule will bring Missouri's requirements for structural applicators in line with surrounding states and will eliminate a barrier to new companies entering the pest control industry.

*AUTHORITY:* section 281.025, RSMo Supp. 1989. Original rule filed

May 12, 1976, effective Oct. 21, 1976. Amended: Filed July 8, 1977, effective Oct. 14, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 2:00 p.m., Wednesday, September 5, 2018, in the second floor conference room at 1616 Missouri Boulevard, Jefferson City, MO, 65109.

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 35—Seed Regulation

### PROPOSED AMENDMENT

**2 CSR 70-35.010 Definitions.** The division is amending the rule purpose and sections (1) and (2).

**PURPOSE:** This amendment updates names of plants that produce noxious weed seeds and clarifies what seed is subject to regulation.

**PURPOSE:** This rule designates what plants' seeds are agricultural *[[crop]]* seeds for labeling purposes and also designates restricted weed[s'] seeds. Both agricultural *[[crop]]* seed and restricted weed[s'] seeds content must be declared on the label to comply with the statute, but the seed of plants making up these lists are not specified by statute.

(1) Agricultural Seeds. Agricultural *[[crop]]* seeds will be those listed as agricultural seeds in the Federal Seed Act, 7 CFR Section 201.2~~[(L)]~~**[(h)]**, January (1976).

(2) Restricted Weed[s'] Seeds.

(A) Prohibited Weed[s'] Seeds. The seeds of **the following** plants: balloon vine (*Cardiospermum halicacabum*), Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), Johnson grass (*Sorghum halepense*), musk thistle (*Carduus nutans*), serrated tussock (*Nassella trichotoma*) and sorghum alnum (*Sorghum alnum*).

(B) Noxious Weed[s'] Seeds. The seeds of **the following** plants: plants commonly known as docks of the *[[Rumex species]]* (red sorrel, curly dock, etc.), doddies (*Cuscuta species*), buckhorn (*Plantago lanceolata*), eastern black night-shade (*Solanum ptycanthum*), giant foxtail (*Setaria faberi*), hedge bindweed (*Convolvulus sepium*), leafy spurge (*Euphorbia esula*), hoary cress (*Cardaria draba*), purple moonflower (*Calonyction muricatum*) ***Ipomoea muricata***, quackgrass (*[[Agropyron]] Elymus repens*), Russian thistle (*Salsola pestifer*), slender oats (*Avena barbata*), wild garlic (*Allium vineale*), wild oats (*Avena fatua*), wild onion (*Allium canadense*) and yellow star thistle (*Centaurea solstitialis*) are designated as noxious and are subject to listing on seed labels according to the requirements of the Missouri Seed Law, sections 266.~~[[021]]~~**[[011 to 266.111, RSMo [(1986)]]**.

**AUTHORITY:** section 266.091, RSMo **[(1986)] 2016**. Original rule

filed June 6, 1952, effective June 16, 1952. For intervening history, please consult the Code of State Regulations. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 35—Seed Regulation

### PROPOSED RESCISSION

**2 CSR 70-35.031 Licensing.** This rule specified the kind of actual seed sales facility obligated to purchase a seed sales permit in compliance with section 266.031, RSMo (1986) and also emphasized the need for both retail and wholesale places to purchase a permit.

**PURPOSE:** The rule is redundant to statute and should be rescinded.

**AUTHORITY:** section 266.091, RSMo 1994. Original rule filed Sept. 28, 1979, effective March 13, 1980. Amended: Filed April 10, 1995, effective Oct. 30, 1995. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 40—Missouri Treated Timber Products Law Rules

### PROPOSED RESCISSION

**2 CSR 70-40.005 Treated Timber Definitions.** This rule defined terms used throughout the Treated Timber Law.

**PURPOSE:** Missouri is the last state to maintain regulation of treated timber dealers and producers. Removing regulations will provide consistency in the industry.



*AUTHORITY:* section 280.050, RSMo 2000. Original rule filed Aug. 27, 2008, effective March 30, 2009. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products Law**  
**Rules**

**PROPOSED RESCISSION**

**2 CSR 70-40.015 Standards for Treated Timber.** This rule established standards to be used by anyone selling or offering for sale treated timber products in the state of Missouri.

*PURPOSE:* Missouri is the last state to maintain regulation of treated timber dealers and producers. Removing regulations will provide consistency in the industry.

*AUTHORITY:* section 280.050, RSMo 2000. Original rule filed Oct. 10, 1980, effective Feb. 1, 1981. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products Law**  
**Rules**

**PROPOSED RESCISSION**

**2 CSR 70-40.016 Producers to Follow Pesticide Label.** This rule specified the federal and state laws that pertained to the wood preservative chemicals as pesticides and clarified that label directions for these chemicals must be followed in accordance with these laws.

*PURPOSE:* Missouri is the last state to maintain regulation of treated timber dealers and producers. Removing regulations will provide

consistency in the industry.

*AUTHORITY:* section 280.050, RSMo 1986. Original rule filed Dec. 16, 1985, effective May 15, 1986. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products Law**  
**Rules**

**PROPOSED RESCISSION**

**2 CSR 70-40.017 Preservatives Required to be Registered Pesticides.** This rule clarified that all wood preservatives used must be registered with or exempted from registration with the Environmental Protection Agency before they may be used.

*PURPOSE:* Missouri is the last state to maintain regulation of treated timber dealers and producers. Removing regulations will provide consistency in the industry.

*AUTHORITY:* section 280.050, RSMo 2000. Original rule filed Feb. 6, 2008, effective Sept. 30, 2008. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products Law**  
**Rules**

**PROPOSED RESCISSION**

**2 CSR 70-40.025 Standards for Inspection, Sampling and Analyses.** This regulation established guidelines for standards of inspection, sampling and analysis of treated timber products.

*PURPOSE:* Missouri is the last state to maintain regulation of treated

timber dealers and producers. Removing regulations will provide consistency in the industry.

**AUTHORITY:** section 280.050, RSMo 2000. Original rule filed Oct. 10, 1980, effective Feb. 1, 1981. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products Law**  
**Rules**

**PROPOSED RESCISSION**

**2 CSR 70-40.040 Branding of Treated Timber.** This rule required each treated timber company to brand, for identification purposes, all treated timber products sold in Missouri.

**PURPOSE:** Missouri is the last state to maintain regulation of treated timber dealers and producers. Removing regulations will provide consistency in the industry.

**AUTHORITY:** section 280.050, RSMo 2000. Original rule filed March 8, 1962, effective March 18, 1962. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products Law**  
**Rules**

**PROPOSED RESCISSION**

**2 CSR 70-40.050 Requirements for Treated Timber Invoices and Manifests.** This rule required a company to show an invoice, including the type of treating process, the kind of preservatives and amount

of preservatives retained in the material being sold.

**PURPOSE:** Missouri is the last state to maintain regulation of treated timber dealers and producers. Removing regulations will provide consistency in the industry.

**AUTHORITY:** section 280.050, RSMo 1986. Original rule filed March 8, 1962, effective March 18, 1962. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products Law**  
**Rules**

**PROPOSED RESCISSION**

**2 CSR 70-40.055 Sale or Distribution of Wood Products Similar in Appearance to Treated Timber—Identification—Penalties.** This rule provided a method of distinguishing between timber products dipped in nonpreservatives and timber products treated according to the Missouri Treated Timber Law. This rule also specified that a violation is punishable under section 407.110, RSMo 1986, the Missouri Merchandising Practices Act.

**PURPOSE:** Missouri is the last state to maintain regulation of treated timber dealers and producers. Removing regulations will provide consistency in the industry.

**AUTHORITY:** section 280.050, RSMo 2000. Original rule filed Dec. 16, 1985, effective May 15, 1986. Rescinded: Filed Feb. 6, 2008, changed to amended June 23, 2008, effective Sept. 30, 2008. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at [Agriculture.Mo.Gov/proposed-rules/](http://Agriculture.Mo.Gov/proposed-rules/). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 2—Beginning Farmer Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-2.010 Definitions.** This rule stated the meaning of terms used by the Agricultural and Small Business Development Authority in the Beginning Farmer Loan Program.

*PURPOSE: This rule is being rescinded as it is not necessary for implementation of the program.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed July 12, 1984, effective Oct. 11, 1984. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 2—Beginning Farmer Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-2.020 Applicant Eligibility Requirements.** This rule had set forth the requirements which must be met by the applicant in order to be an eligible borrower for a loan under this program.

*PURPOSE: This rule is being rescinded as it is not necessary for implementation of the program.*

*AUTHORITY: section 348.075, RSMo 2000. Original rule filed July 12, 1984, effective Oct. 11, 1984. Amended: Filed Feb. 11, 2009, effective Aug. 30, 2009. Amended: Filed July 30, 2015, effective Jan. 30, 2016. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 2—Beginning Farmer Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-2.030 Time and Manner of Filing Application.** This rule had set forth the requirements for the time and manner of filing applications for loans under this program.

*PURPOSE: This rule is being rescinded as it is not necessary for implementation of the program.*

*AUTHORITY: section 348.075, RSMo 2000. Original rule filed July 12, 1984, effective Oct. 11, 1984. Amended: Filed Feb. 11, 2009, effective Aug. 30, 2009. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 2—Beginning Farmer Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-2.040 Fees.** This rule had set forth the fee structure for this program.

*PURPOSE: This rule is being rescinded as it is not necessary for implementation of the program.*

*AUTHORITY: section 348.075, RSMo 2000. Original rule filed July 12, 1984, effective Oct. 11, 1984. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 2—Beginning Farmer Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-2.050 Conditions for Execution of Agricultural and Small Business Development Authority Agreement.** This rule had set forth the conditions for execution of the loan agreement.

*PURPOSE: This rule is being rescinded as it is not necessary for implementation of the program.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed July 12, 1984, effective Oct. 11, 1984. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 3—Conservation Reserve Enhancement Program**

**PROPOSED RESCISSION**

**2 CSR 100-3.010 General Organization.** This rule complied with section 536.023, RSMo 1986 which required each agency to adopt as a rule a description of its operation and the methods by which the public may obtain information or make submissions or requests.

*PURPOSE: This rule is being rescinded as the Conservation Reserve Enhancement Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 536.023, RSMo 1986. Original rule filed Aug. 15, 1989, effective Oct. 27, 1989. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 3—Conservation Reserve Enhancement Program**

**PROPOSED RESCISSION**

**2 CSR 100-3.020 Definitions.** This rule described terms used by the Agricultural and Small Business Development Authority in administering the Conservation Reserve Enhancement Program.

*PURPOSE: This rule is being rescinded as the Conservation Reserve Enhancement Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed Aug. 15, 1989, effective Oct. 27, 1989. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 3—Conservation Reserve Enhancement Program**

**PROPOSED RESCISSION**

**2 CSR 100-3.030 Criteria Relating to Participating Borrowers, Participating Lenders and Agricultural Development Loans.** This rule had set forth the fee structure and the requirements which the applicant must meet to be an eligible borrower for a loan under this program.

*PURPOSE: This rule is being rescinded as the Conservation Reserve Enhancement Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed Aug. 15, 1989, effective Oct. 27, 1989. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 3—Conservation Reserve Enhancement Program**

**PROPOSED RESCISSION**

**2 CSR 100-3.040 Procedure for the Purchase or Participation of Eligible Loans.** This rule had set forth the procedures for the approval of loans to be purchased under this program.

*PURPOSE: This rule is being rescinded as the Conservation Reserve Enhancement Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed Aug. 15, 1989, effective Oct. 27, 1989. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 3—Conservation Reserve Enhancement Program**

**PROPOSED RESCISSION**

**2 CSR 100-3.050 Amendments.** This rule had set forth the conditions under which amendments to the program will be made.

*PURPOSE: This rule is being rescinded as the Conservation Reserve Enhancement Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed Aug. 15, 1989, effective Oct. 27, 1989. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 4—Small Business Development Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-4.010 General Organization.** This rule complied with section 536.023, RSMo 1986 which requires each agency to adopt as a rule a description of its operation and the methods by which the public may obtain information or make submissions or requests.

*PURPOSE: This rule is being rescinded as the Small Business Development Loan Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 536.023, RSMo 1986. Original rule filed Aug. 13, 1991, effective Jan. 13, 1992. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 4—Small Business Development Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-4.020 Definitions.** This rule described terms used by the Agricultural and Small Business Development Authority in administering the small business development loan program.

*PURPOSE: This rule is being rescinded as the Small Business Development Loan Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed Aug. 13, 1991, effective Jan. 13, 1992. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 4—Small Business Development Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-4.030 Criteria Relating to Participating Borrowers, Participating Lenders and Small Business Loans.** This rule had set forth the fee structure and the requirements which the applicant must have met to be an eligible borrower for a loan under this program.

*PURPOSE: This rule is being rescinded as the Small Business Development Loan Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed Aug. 13, 1991, effective Jan. 13, 1992. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 4—Small Business Development Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-4.040 Procedure for the Purchase or Participation of Eligible Loans.** This rule had set forth the procedure for the approval of loans to be purchased under this program.

*PURPOSE: This rule is being rescinded as the Small Business Development Loan Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 348.075, RSMo 1986. Original rule filed Aug. 13, 1991, effective Jan. 13, 1992. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 4—Small Business Development Loan Program**

**PROPOSED RESCISSION**

**2 CSR 100-4.050 Amendments.** This rule had set forth the conditions under which amendments to the program would be made.

*PURPOSE: This rule is being rescinded as the Small Business Development Loan Program is no longer utilized and the rules are not required by statute.*

*AUTHORITY: section 536.023, RSMo 1986. Original rule filed Aug. 13, 1991, effective Jan. 13, 1992. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 100—Missouri Agricultural and Small Business**  
**Development Authority**  
**Chapter 10—New Generation Cooperative Incentive Tax Credit Program**

**PROPOSED AMENDMENT**

**2 CSR 100-10.010 Description of Operation, Definitions, and Method of Distribution and Repayment of Tax Credits.** The Missouri Agricultural and Small Business Development Authority is amending section (2) and subsection (3)(A).

*PURPOSE: This amendment changes the priority for tax credit allocation and updates the sunset to reflect current statute.*

*(2) Definitions[. As used in this rule, the following shall mean]:*

*(3) Operation of the Program.*

*(A) Application—New generation cooperative applicants may submit applications to the authority on a continuous basis. [In Fiscal Year 2001 through December 31, 2016 (when the tax credit provision expires), u/Up to six (6) million dollars in tax credits are available per fiscal year. Of these tax credit allocation amounts, each year the authority will reserve ten percent (10%) of the credits for “small capital projects.” The balance of tax credits will be available to “large capital projects” and “employee qualified capital projects.” After December 31 of each year, the authority will release any unallocated “small capital project” tax credits for “large capital projects” and “employee qualified capital projects” or any unallocated “large capital projects” and “employee qualified capital projects” tax credits to “small capital projects.”]*

*AUTHORITY:* section 348.432, RSMo [Supp. 2008] 2016. Original rule filed July 26, 2001, effective Jan. 30, 2002. Amended: Filed Dec. 15, 2004, effective June 30, 2005. Amended: Filed Feb. 11, 2009, effective Aug. 30, 2009. Amended: Filed June 14, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.110 Filing Requirements for Electric Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets.** Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE:* This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.110.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.115 Filing Requirements for Electric Utility Applications for Authority to Merge or Consolidate.** Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE:* This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.115.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.120 Filing Requirements for Electric Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness.** Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE:* This rule is being rescinded in its entirety and a new rule

will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.120.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.125 Filing Requirements for Electric Utility Applications for Authority to Acquire the Stock of a Public Utility.** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

**PURPOSE:** This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.125.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service

Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.165 Annual Report Submission Requirements for Electric Utilities.** Section 393.140(6), RSMo, includes an obligation for the commission to require every person and corporation under its supervision to submit an annual report to the commission. This rule establishes the standards for the submission of annual reports by electric utilities that are subject to the jurisdiction of the commission, including the procedures for submitting nonpublic annual report information.

**PURPOSE:** This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.165.

**AUTHORITY:** sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Nov. 7, 2003, effective April 30, 2004. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.



*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.210 Filing Requirements for Gas Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets.** Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.210.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.215 Filing Requirements for Gas Utility Applications for Authority to Merge or Consolidate.** Applications to the commis-

sion for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.215.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.220 Filing Requirements for Gas Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness.** Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.220.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RESCISSION**

**4 CSR 240-3.225 Filing Requirements for Gas Utility Applications for Authority to Acquire the Stock of a Public Utility.** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

**PURPOSE:** This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.225.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit

additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RESCISSION**

**4 CSR 240-3.245 Annual Report Submission Requirements for Gas Utilities.** Section 393.140(6), RSMo, includes an obligation for the commission to require every person and corporation under its supervision to submit an annual report to the commission. This rule establishes the standards for the submission of annual reports by gas utilities that are subject to the jurisdiction of the commission, including the procedures for submitting nonpublic annual report information.

**PURPOSE:** This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.245.

**AUTHORITY:** sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Nov. 7, 2003, effective April 30, 2004. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.270 Submission Requirements Regarding Plans, Procedures and Programs for the Transportation of Natural Gas by Pipeline.** This rule set forth the plans, procedures and programs related to the transportation of natural gas by pipelines, which were to be submitted to designated commission personnel under various provisions of 4 CSR 240-40.

*PURPOSE:* This rule is being rescinded in its entirety and consolidated into 4 CSR 240-40.030 in order to simplify and improve rules by streamlining and eliminating duplicative requirements.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 4, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. GX-2018-0279. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 20, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.280 Submission Requirements Regarding Gas Utility Written Drug and Alcohol Testing Plans.** This rule prescribed the requirements for submitting drug and alcohol testing plans for natural gas corporations, which were further described in 4 CSR 240-40.080.

*PURPOSE:* This rule is being rescinded in its entirety and consolidated into 4 CSR 240-40.030 in order to simplify and improve rules by streamlining and eliminating duplicative requirements.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 4, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. GX-2018-0279. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 20, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.290 Submission Requirements Regarding Gas Utility Incident, Annual and Safety-Related Condition Reports.** This rule prescribed the requirements for submitting incident, annual, and safety-related condition reports, which were further described in 4 CSR 240-40.020.

*PURPOSE:* This rule is being rescinded in its entirety and consolidated into 4 CSR 240-40.020 in order to simplify and improve rules by streamlining and eliminating duplicative requirements.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 4, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to

*Commission Case No. GX-2018-0279. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 20, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RESCISSION**

**4 CSR 240-3.295 Submission Requirements Regarding Gas Utility Written Procedures for Conversion of Service and Upgrading.** This rule prescribed the requirements for submitting written procedures for conversion of service and upgrading of pipelines, which were further described in 4 CSR 240-40.030.

*PURPOSE: This rule is being rescinded in its entirety and consolidated into 4 CSR 240-40.030 in order to simplify and improve rules by streamlining and eliminating duplicative requirements.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 4, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. GX-2018-0279. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 20, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RESCISSION**

**4 CSR 240-3.310 Filing Requirements for Sewer Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets.** Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.310.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED RESCISSION**

**4 CSR 240-3.315 Filing Requirements for Sewer Utility Applications for Authority to Merge or Consolidate.** Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.315.*

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.320 Filing Requirements for Sewer Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness.** Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE:* This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.320.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be

considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.325 Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility.** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE:* This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.325.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.335 Annual Report Submission Requirements for Sewer Utilities.** Section 393.140(6), RSMo, includes an obligation for the commission to require every person and corporation under its supervision to submit an annual report to the commission. This rule establishes the standards for the submission of annual reports by sewer utilities that are subject to the jurisdiction of the commission, including the procedures for submitting nonpublic annual report information.

*PURPOSE:* This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.335.

*AUTHORITY:* sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Nov. 7, 2003, effective April 30, 2004. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.405 Filing Requirements for Steam Heating Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets.** Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining

to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE:* This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.405.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.410 Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate.** Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE:* This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.410.

*AUTHORITY:* section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.415 Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness.** Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

**PURPOSE:** This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.415.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by

the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.420 Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility.** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

**PURPOSE:** This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.420.

**AUTHORITY:** section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.435 Annual Report Submission Requirements for Steam Heating Utilities.** Section 393.140(6), RSMo, includes an obligation for the commission to require every person and corporation under its supervision to submit an annual report to the commission, and section 393.290 provides for the commission's jurisdiction



over steam heating utilities. This rule establishes the standards for the submission of annual reports by steam heating utilities that are subject to the jurisdiction of the commission, including the procedures for submitting nonpublic annual report information.

**PURPOSE:** *This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.435.*

**AUTHORITY:** *sections 386.250, 393.140, and 393.290, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Nov. 7, 2003, effective April 30, 2004. Rescinded: Filed June 14, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.605 Filing Requirements for Water Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets.** Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

**PURPOSE:** *This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.605.*

**AUTHORITY:** *section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.610 Filing Requirements for Water Utility Applications for Authority to Merge or Consolidate.** Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

**PURPOSE:** *This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.610.*

**AUTHORITY:** *section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit*



*additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.615 Filing Requirements for Water Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness.** Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.615.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.620 Filing Requirements for Water Utility Applications for Authority to Acquire the Stock of a Public Utility.** Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.620.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed June 14, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.640 Annual Report Submission Requirements for Water Utilities.** Section 393.140(6), RSMo, includes an obligation for the commission to require every person and corporation under its supervision to submit an annual report to the commission. This rule establishes the standards for the submission of annual reports by water utilities that are subject to the jurisdiction of the commission, including the procedures for submitting nonpublic annual report information.

*PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-3.640.*

*AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Nov. 7, 2003, effective April 30, 2004. Rescinded: Filed June 14, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 10—Utilities**

**PROPOSED RULE**

**4 CSR 240-10.105 Filing Requirements for Electric, Gas, Water, Sewer, and Steam Heating Utility Applications for Authority to Sell, Assign, Lease, or Transfer Assets**

**PURPOSE:** *Applications to the commission for the authority to sell, assign, lease, or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease, or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights, or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease, or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities, or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commis-

sion, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** *section 386.250, RSMo 2016. Original rule filed June 14, 2018.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to the proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 10—Utilities**

**PROPOSED RULE**

**4 CSR 240-10.115 Filing Requirements for Electric, Gas, Water, Sewer, and Steam Heating Utility Applications for Authority to Merge or Consolidate**

**PURPOSE:** *Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities, or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2016. Original rule filed June 14, 2018.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 10—Utilities**

**PROPOSED RULE**

**4 CSR 240-10.125 Filing Requirements for Electric, Gas, Water, Sewer, and Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes, and Other Evidences of Indebtedness**

*PURPOSE:* Applications to the commission for the authority to issue stock, bonds, notes, or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes, and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five- (5-) year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

*AUTHORITY: section 386.250, RSMo 2016. Original rule filed June 14, 2018.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 10—Utilities**

**PROPOSED RULE**

**4 CSR 240-10.135 Filing Requirements for Electric, Gas, Water, Sewer, and Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility**

**PURPOSE:** *Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of the applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

**AUTHORITY:** *section 386.250, RSMo 2016. Original rule filed June 14, 2018.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to the proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 10—Utilities**

#### **PROPOSED RULE**

#### **4 CSR 240-10.145 Annual Report Submission Requirements for Electric, Gas, Water, Sewer, and Steam Heating Utilities**

**PURPOSE:** *Section 393.140(6), RSMo, includes an obligation for the commission to require every person and corporation under its supervision to submit an annual report to the commission. This rule establishes the standards for the submission of annual reports by*

*electric, gas, water, sewer, and steam heating utilities that are subject to the jurisdiction of the commission, including the procedures for submitting nonpublic annual report information.*

(1) All electric, gas, water, sewer, and steam heating utilities shall submit an annual report to the commission on or before April 15 of each year, except as otherwise provided for in this rule.

(2) Annual reports shall be submitted either on a form provided by the commission or on a computer-generated replica that is acceptable to the commission. Reports being submitted on paper are to be prepared in looseleaf format and sent to the attention of the secretary of the commission. Computer-generated reports can be submitted through the commission's electronic filing and information system (EFIS). Attempts to substitute forms such as stockholder reports without concurrently submitting official commission forms with appropriate cross-references will be considered noncompliant. All requested information shall be included in the annual report, where applicable, even if it has been provided in a previous annual report.

(3) A utility that receives a notice from the commission stating that deficiencies exist in the information provided in the annual report shall respond to that notice within twenty (20) days after the date of the notice, and shall provide the information requested in the notice in its response.

(4) If a utility subject to this rule considers the information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as nonpublic information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered noncompliant. In addition to the foregoing, submittals made under this section must meet the following requirements:

(A) A cover letter stating that the utility is designating some or all of the information in its annual report as confidential information, and including the name, phone number, and e-mail address (if available) of the person responsible for addressing questions regarding the confidential portions of the annual report, must be submitted with the reports;

(B) The cover of each version of the report must clearly identify whether it is the public or nonpublic version;

(C) A detailed affidavit that identifies the specific types of information to be kept under seal, provides a reason why the specific information should be kept under seal and states that none of the information to be kept under seal is available to the public in any format must be prominently attached to both versions of the report; and

(D) Each page of each version of the report that contains nonpublic information shall be clearly identified as containing such information.

(5) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the utility affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal. The utility affected by the request may file a response to a pleading filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the utility's response to a request filed under these provisions, the general counsel by filing of a pleading, will make a

recommendation to the commission advising whether the request should be granted.

(6) A utility subject to this rule that is unable to meet the submission date established in section (1) of this rule may obtain an extension of up to thirty (30) days for submitting its annual report by—

(A) Submitting a written request, which states the reason for the extension, to the attention of the secretary of the commission prior to April 15; and

(B) Certifying that a copy of the written request was sent to all parties of record in pending cases before the commission where the utility's activities are the primary focus of the proceedings.

(7) A utility subject to this rule that is unable to meet the submission date established in section (1) of this rule may request an extension of greater than thirty (30) days for submitting its annual report by—

(A) Filing a pleading, in compliance with the requirements of Chapter 2 of 4 CSR 240-2, which states the reason for and the length of the extension being requested, with the commission prior to April 15; and

(B) Certifying that a copy of the pleading was sent to all parties of record in pending cases before the commission where the utility's activities are the primary focus of the proceedings.

(8) Responses to deficiency notices under the provisions of section (3) of this rule, requests for confidential treatment under the provisions of section (4) of this rule, pleadings requesting public disclosure of information contained under seal under the provisions of section (5) of this rule, and requests for extensions of time under the provisions of sections (6) or (7) of this rule may be submitted through the commission's electronic filing and information system (EFIS).

(9) A utility subject to this rule that does not timely file its annual report, or its response to a notice that its annual report is deficient, is subject to a penalty of one hundred dollars (\$100) and an additional penalty of one hundred dollars (\$100) for each day that it is late in filing its annual report or its response to a notice of deficiency.

**AUTHORITY:** sections 386.250 and 393.140, RSMo 2016. Original rule filed June 14, 2018.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. AX-2018-0257. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for Wednesday, August 22, 2018 at 2:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 40—Gas Utilities and Gas Safety Standards**

**PROPOSED AMENDMENT**

**4 CSR 240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements.** The commission is amending sections (2), (3), (7), (11), (12), and (13).

**PURPOSE:** This amendment proposes to amend the rule to address the 2016 amendment of 49 CFR part 191, to correct errors and inadvertent omissions from previous amendments, and to remove unnecessary verbiage.

(2) Definitions. (191.3) As used in this rule and in the PHMSA Forms referenced in this rule—

(B) Commission means the Public Service Commission. Designated commission personnel means the Pipeline Safety Program Manager at the address contained in subsection (5)(E) for [required] correspondence and means the list of staff personnel supplied to operators for [required] telephonic notices;

(C) Confirmed discovery means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation;

[(C)](D) Federal incident means any of the following events:

1. An event that involves a release of gas from a pipeline and that results in one (1) or more of the following consequences:

A. A death or personal injury necessitating inpatient hospitalization; or

B. Estimated property damage of fifty thousand dollars (\$50,000) or more, including loss to the operator and others, or both, but excluding the cost of gas lost; or

C. Unintentional estimated gas loss of three (3) million cubic feet or more; or

2. An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraph [(2)(C)1.] (2)(D)1.;

[(D)](E) Gas means natural gas, flammable gas, manufactured gas or gas which is toxic or corrosive;

[(E)](F) LNG facility means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas;

(G) LNG plant means an LNG facility or system of LNG facilities functioning as a unit;

[(F)](H) Master meter system means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, for instance, by rents;

[(G)](I) Municipality means a city, village, or town;

[(H)](J) Operator means a person who engages in the transportation of gas;

[(I)](K) Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative of them;

[(J)](L) Pipeline or pipeline system means all parts of those physical facilities through which gas moves in transportation including, but not limited to, pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

*[(K)/(M)]* PHMSA means the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation; *[and]*

*[(L)/(N)]* Transportation of gas means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas in or affecting interstate or foreign commerce~~/.~~; **and**

**(O) Underground natural gas storage facility means a facility that stores natural gas in an underground facility incident to natural gas transportation, including—**

- 1. A depleted hydrocarbon reservoir;**
- 2. An aquifer reservoir; or**
- 3. A solution-mined salt cavern reservoir, including associated material and equipment used for injection, withdrawal, monitoring, or observation wells, and wellhead equipment, piping, rights-of-way, property, buildings, compressor units, separators, metering equipment, and regulator equipment.**

(3) Immediate Notice of Federal Incidents. (191.5)

(A) At the earliest practicable moment following discovery, **but no later than one (1) hour after confirmed discovery**, each operator shall give notice, in accordance with subsection (3)(B), of each federal incident as defined in section (2) (191.3).

(C) **Within forty-eight (48) hours after the confirmed discovery of an incident, to the extent practicable, an operator must revise or confirm its initial telephonic notice required in subsection (3)(B) with an estimate of the amount of gas released, an estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report.**

(7) Distribution System—Annual Report and Mechanical Fitting Failure Reports.

(A) Annual Report. (191.11)

1. Except as provided in paragraph (7)(A)3., each operator of a distribution pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A).

2. The annual report form (revised *[May 2015/ January 2017]*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[May 2015/ January 2017]* version.

3. The annual report requirement in this subsection does not apply to a master meter system or to a petroleum gas system which serves fewer than one hundred (100) customers from a single source.

(11) National Registry of Pipeline and LNG Operators (191.22)

(A) OPID Request.

1. Effective January 1, 2012, each operator of a gas pipeline, *[or]* gas pipeline facility, **underground natural gas storage facility, LNG plant or LNG facility** must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request (U.S. Department of Transportation Form PHMSA F 1000.1) through the National Registry of Pipeline and LNG Operators at <http://portal.phmsa.dot.gov/pipeline> unless an alternative reporting method is authorized in accordance with subsection (5)(D). A copy of each submission to PHMSA must also be submitted concurrently to designated commission personnel—see addresses in subsection (5)(E).

2. The OPID Assignment Request form (May 2015) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the May 2015 version.

(C) Changes. Each operator of a gas pipeline, *[or]* gas pipeline facility, **underground natural gas storage facility, LNG plant or LNG facility** must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at <http://portal.phmsa.dot.gov/pipeline> of certain events. A copy of each online notification must also be submitted concurrently to designated commission personnel—see addresses in subsection (5)(E).

1. An operator must notify PHMSA of any of the following events not later than sixty (60) days before the event occurs:

A. Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs ten (10) million dollars or more. If sixty- (60-) day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable; *[or]*

B. Construction of ten (10) or more miles of a new **or replacement pipeline**~~/.~~;

C. Construction of a new LNG plant or LNG facility;

D. Construction of a new underground natural gas storage facility or the abandonment, drilling, or well workover (including replacement of wellhead, tubing, or a new casing) of an injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility;

E. Reversal of product flow direction when the reversal is expected to last more than thirty (30) days. This notification is not required for pipeline systems already designed for bi-directional flow; or

F. A pipeline converted for service under 4 CSR 240-40.030(1)(H) (192.14), or a change in commodity as reported on the annual report as required by section (10) (191.17).

2. An operator must notify PHMSA of any of the following events not later than sixty (60) days after the event occurs:

A. A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this rule covering pipeline facilities operated under multiple OPIDs;

B. A change in the name of the operator;

C. A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, *[or]* pipeline facility, **underground natural gas storage facility, or LNG facility**; *[or]*

D. The acquisition or divestiture of fifty (50) or more miles of a pipeline or pipeline system subject to 4 CSR 240-40.030~~/.~~;

E. **The acquisition or divestiture of an existing LNG plant or LNG facility subject to 49 CFR Part 193; or**

F. **The acquisition or divestiture of an existing underground natural gas storage facility subject to 49 CFR part 192.**

(12) Reporting Safety-Related Conditions. (191.23)

(A) Except as provided in subsection (12)(B), each operator must report in accordance with section (13) (191.25) the existence of any of the following safety-related conditions involving facilities in service:

1. In the case of *[the]* a pipeline **(other than an LNG facility)** that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength, general corrosion that has reduced the wall thickness to less than that required for the maximum allowable operating pressure and localized corrosion pitting to a degree where leakage might result;

2. Unintended movement or abnormal loading by environmental causes, for instance, an earthquake, landslide, or flood, that impairs

the serviceability of a pipeline;

3. Any material defect or physical damage that impairs the serviceability of a pipeline that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength;

4. Any malfunction or operating error that causes the pressure of a pipeline to rise above its maximum allowable operating pressure plus the buildup allowed for operation of pressure limiting or control devices;

5. A leak in a pipeline that constitutes an emergency; and

6. Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a twenty percent (20%) or more reduction in operating pressure or shutdown of operation of a pipeline.

(13) Filing Safety-Related Condition Reports. (191.25)

(A) Each report of a safety-related condition under subsection (12)(A) must be filed (received by the Office of Pipeline Safety at PHMSA and designated commission personnel) within five (5) working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than ten (10) working days after the day a representative of the operator discovers the possibility of a condition. Separate conditions may be described in a single report if they are closely related. See the report submission requirements in subsection (5)(C). Reports may be transmitted by electronic mail to [*InformationResourceManager@dot.gov*] **InformationResourcesManager@dot.gov** and *PipelineSafetyProgramManager@psc.mo.gov*. To file a report by telefacsimile (fax), dial (202) 366-7128 for the Office of Pipeline Safety and (573) 522-1946 for designated commission personnel.

**AUTHORITY:** sections 386.250, 386.310, and 393.140, RSMo 2016. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 4, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. GX-2018-0279. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 20, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 40—Gas Utilities and Gas Safety Standards**

**PROPOSED AMENDMENT**

**4 CSR 240-40.030 Safety Standards—Transportation of Gas by Pipeline.** The commission is amending sections (1), (3), (4), (5), (6), (7), (8), (9), (12), (13), (14), (15), and (17).

**PURPOSE:** This amendment modifies the rule to address amendments of 49 CFR part 192 promulgated between January 2016 and September 2017 and makes clarification and editorial changes.

(1) General.

(B) Definitions. (192.3) As used in this rule—

1. Abandoned means permanently removed from service;
2. Active corrosion means continuing corrosion that, unless controlled, could result in a condition that is detrimental to public safety;
3. Administrator means the Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation to whom authority in the matters of pipeline safety have been delegated by the Secretary of the United States Department of Transportation, or his or her delegate;
4. Alarm means an audible or visible means of indicating to the controller that equipment or processes are outside operator-defined, safety-related parameters;
5. Building means any structure that is regularly or periodically occupied by people;
6. Commission means the Missouri Public Service Commission;
7. Control room means an operations center staffed by personnel charged with the responsibility for remotely monitoring and controlling a pipeline facility;
8. Controller means a qualified individual who remotely monitors and controls the safety-related operations of a pipeline facility via a supervisory control and data acquisition (SCADA) system from a control room, and who has operational authority and accountability for the remote operational functions of the pipeline facility;
9. Customer meter means the meter that measures the transfer of gas from an operator to a consumer;
10. Designated commission personnel means the pipeline safety program manager at the address contained in 4 CSR 240-40.020(5)(E) for [required] correspondence;
11. Distribution line means a pipeline other than a gathering or transmission line;
12. Electrical survey means a series of closely spaced pipe-to-soil readings over pipelines which are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline, except that other indirect examination tools/methods can be used for an electrical survey included in the federal regulations in 49 CFR part 192, subpart O and appendix E (incorporated by reference in section (16));
13. Feeder line means a distribution line that has a maximum allowable operating pressure (MAOP) greater than 100 psi (689 kPa) gauge that produces hoop stresses less than twenty percent (20%) of specified minimum yield strength (SMYS);
14. Follow-up inspection means an inspection performed after a repair procedure has been completed in order to determine the effectiveness of the repair and to ensure that all hazardous leaks in the area are corrected;
15. Fuel line means the customer-owned gas piping downstream from the outlet of the customer meter or operator-owned pipeline, whichever is farther downstream;
16. Gas means natural gas, flammable gas, manufactured gas, or gas which is toxic or corrosive;
17. Gathering line means a pipeline that transports gas from a



current production facility to a transmission line or main;

18. High-pressure distribution system means a distribution system in which the gas pressure in the main is higher than an equivalent to fourteen inches (14") water column;

19. Hoop stress means the stress in a pipe wall acting circumferentially in a plane perpendicular to the longitudinal axis of the pipe produced by the pressure in the pipe;

20. Listed specification means a specification listed in subsection I. of Appendix B, which is included herein (at the end of this rule);

21. Low-pressure distribution system means a distribution system in which the gas pressure in the main is less than or equal to an equivalent of fourteen inches (14") water column;

22. Main means a distribution line that serves as a common source of supply for more than one (1) service line;

23. Maximum actual operating pressure means the maximum pressure that occurs during normal operations over a period of one (1) year;

24. Maximum allowable operating pressure (MAOP) means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this rule;

25. Municipality means a city, village, or town;

26. Operator means a person who engages in the transportation of gas;

27. Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative of them;

28. Petroleum gas means propane, propylene, butane (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa) gauge at 100°F (38°C);

29. PHMSA means the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation;

30. Pipe means any pipe or tubing used in the transportation of gas, including pipe-type holders;

31. Pipeline means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

32. Pipeline environment includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion;

33. Pipeline facility means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation;

34. Reading means the highest sustained reading when testing in a bar hole or opening without induced ventilation;

35. Service line means a distribution line that transports gas from a common source of supply to an individual customer, to two (2) adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter;

36. Service regulator means the device on a service line that controls the pressure of gas delivered from a higher pressure to the pressure provided to the customer. A service regulator may serve one (1) customer or multiple customers through a meter header or manifold;

37. SMYS means specified minimum yield strength is—

A. For steel pipe manufactured in accordance with a listed

specification, the yield strength specified as a minimum in that specification; or

B. For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with paragraph (3)(D)2. (192.107[b]);

38. Supervisory control and data acquisition (SCADA) system means a computer-based system or systems used by a controller in a control room that collects and displays information about a pipeline facility and may have the ability to send commands back to the pipeline facility;

39. Sustained reading means the reading taken on a combustible gas indicator unit after adequately venting the test hole or opening;

40. Transmission line means a pipeline, other than a gathering line, that—

A. Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.);

B. Operates at a hoop stress of twenty percent (20%) or more of SMYS; or

C. Transports gas within a storage field;

41. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline or the storage of gas in Missouri;

42. Tunnel means a subsurface passageway large enough for a man to enter;

43. Vault or manhole means a subsurface structure that a man can enter;

44. Welder means a person who performs manual or semi-automatic welding;

45. Welding operator means a person who operates machine or automatic welding equipment; and

46. Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building *[shall]* means the building nearest to the connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it *[shall]* **will** be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter *[shall]* **will** be considered the yard line and any other lines are not considered yard lines.

(D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, *[2015]* **2017**, the federal regulation at 49 CFR 192.7 is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.7.

2. The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, *[2015]* **2017** version of 49 CFR part 192 is available at [www.gpo.gov/fdsys/search/showcitation.action](http://www.gpo.gov/fdsys/search/showcitation.action).

3. The regulation at 49 CFR 192.7 provides a listing of the documents that are incorporated by reference partly or wholly in 49 CFR part 192, which is the federal counterpart and foundation for this rule. All incorporated materials are available for inspection from several sources, including the following sources:

A. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. For more information, contact 202-366-4046 or go to the PHMSA website at [www.phmsa.dot.gov/pipeline/regs](http://www.phmsa.dot.gov/pipeline/regs);

B. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to the NARA website at [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html) or call 202-741-6030 or 866-272-6272;



and

C. Copies of standards incorporated by reference can also be purchased or are otherwise made available from the respective standards-developing organizations listed in 49 CFR 192.7.

4. Federal amendment 192-94 (published in *Federal Register* on June 14, 2004, page 69 FR 32886) moved the listing of incorporated documents to 49 CFR 192.7 from 49 CFR part 192 – Appendix A, which is now “Reserved”. This listing of documents was in Appendix A to this rule prior to the 2008 amendment of this rule. As of the 2008 amendment, Appendix A to this rule is also “Reserved” and included herein.

(E) Gathering Lines. (192.8 and 192.9)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2015] 2017, the federal regulations at 49 CFR 192.8 and 192.9 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.8 and 192.9.

2. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2015] 2017 version of 49 CFR part 192 is available at [www.gpo.gov/fdsys/search/showcitation.action](http://www.gpo.gov/fdsys/search/showcitation.action).

3. The regulations at 49 CFR 192.8 and 192.9 provide the requirements for gathering lines. The requirements for offshore lines are not applicable to Missouri.

(F) Petroleum Gas Systems. (192.11)

1. Each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of this rule and of NFPA 58 and NFPA 59 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

2. Each pipeline system subject to this rule that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this rule and of NFPA 58 and NFPA 59 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

3. In the event of a conflict between this rule and NFPA 58 and NFPA 59 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), NFPA 58 and NFPA 59 prevail.

(H) Conversion to Service Subject to this Rule. (192.14)

1. Except as provided in paragraph [(1)(H)3.] (1)(H)4., a steel pipeline previously used in service not subject to this rule qualifies for use under this rule if the operator prepares and follows a written procedure to carry out the following requirements:

A. The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation;

B. The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline;

C. All known unsafe defects and conditions must be corrected in accordance with this rule; and

D. The pipeline must be tested in accordance with section (10) to substantiate the maximum allowable operating pressure permitted by section (12).

2. Each operator must keep for the life of the pipeline a record of investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (1)(H)1.

**3. An operator converting a pipeline from service not previously covered by this rule must notify PHMSA and designated commission personnel sixty (60) days before the conversion occurs as required by 4 CSR 240-40.020(11).**

[3.]4. This paragraph lists situations where steel pipe may not be converted to service subject to this rule.

A. Steel yard lines that are not cathodically protected must be replaced under subsection (15)(C).

B. Buried steel fuel lines that are not cathodically protected may not be converted to a pipeline as defined in subsection (1)(B), such as a service line or main.

C. Buried steel pipes that are not cathodically protected may not be converted to a service line.

D. Buried steel pipes that are not cathodically protected may not be converted to a main in Class 3 and Class 4 locations.

(J) Filing of Required Plans, Procedures, and Programs.

1. Each operator shall submit to designated commission personnel all plans, procedures, and programs required by this rule (to include welding and joining procedures, construction standards, control room management procedures, corrosion control procedures, damage prevention program, distribution integrity management plan, emergency procedures, public education program, operator qualification program, replacement programs, transmission integrity management program, and procedural manual for operations, maintenance, and emergencies). In addition, each change must be submitted to designated commission personnel within twenty (20) days after the change is made.

**2. All operators under the pipeline safety jurisdiction of the Missouri Public Service Commission must establish and submit welding procedures, joining procedures, and construction specifications and standards to designated commission personnel before construction activities begin. All other plans, procedures and programs required by rules 4 CSR 240-40.020, 4 CSR 240-40.030, and 4 CSR 240-40.080 must be established and submitted to designated commission personnel before the system is put into operation.**

**3. A written plan for drug and alcohol testing in accordance with 4 CSR 240-40.080 must be submitted to designated commission personnel.**

(L) Customer Notification, [Required by] Paragraph (12)(S)2. When providing gas service to a new customer or a customer relocated from a different operating district, [the operator must provide the customer notification required by] see paragraph (12)(S)2. **regarding applicable customer notification.**

(3) Pipe Design.

**(L) Additional Design Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.112) The federal regulations at 49 CFR 192.112 are not adopted in this rule.**

(4) Design of Pipeline Components.

(S) Pipe-Type and Bottle-Type Holders. (192.175)

1. Each pipe-type and bottle-type holder must be designed so as to prevent the accumulation of liquids in the holder, in connecting pipe or in auxiliary equipment that might cause corrosion or interfere with the safe operation of the holder.

2. Each pipe-type or bottle-type holder must have a minimum clearance from other holders in accordance with the following formula:

$$C = (3D \times P \times F) / 1000 \text{ (in inches)}$$
$$(C = (3D \times P \times F) / 2298 / 6,895) \text{ (in millimeters)}$$

where

C = Minimum clearance between pipe containers or bottles in inches (millimeters);

D = Outside diameter of pipe containers or bottles in inches (millimeters);

P = Maximum allowable operating pressure, psi (kPa) gauge; and

F = Design factor as set forth in subsection (3)(F) (192.111).

(5) Welding of Steel in Pipelines.

(B) General. [(192.223)]

1. Welding [must] is only to be performed in accordance with established written welding procedures that have been qualified under subsection (5)(C) (192.225) to produce sound, ductile welds.

2. Welding [must] is only to be performed by welders who are

qualified under subsections (5)(D) and (E) (192.227 and 192.229) for the welding procedure to be used.

(C) Welding Procedures. (192.225)

1. Welding must be performed by a qualified welder **or welding operator** in accordance with welding procedures qualified under section 5, section 12, *[or]* Appendix A, **or Appendix B** of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) or section IX of the *ASME Boiler and Pressure Vessel Code* (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) to produce welds meeting the requirements of section (5) of this rule. The quality of the test welds used to qualify welding procedures must be determined by destructive testing in accordance with the referenced welding standard(s).

2. Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

(D) Qualification of Welders and Welding Operators. (192.227)

1. Except as provided in paragraph (5)(D)2., each welder or welding operator must be qualified in accordance with section 6, section 12, *[or]* Appendix A, **or Appendix B** of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) or section IX of the *ASME Boiler and Pressure Vessel Code* (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). However, a welder **or welding operator** qualified under an earlier edition of a standard than listed in 49 CFR 192.7 (see subsection (1)(D)) may weld but may not requalify under that earlier edition.

2. A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than twenty percent (20%) of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in subsection I. of Appendix C, which is included herein (at the end of this rule). Each welder who is to make a welded service line connection to a main must first perform an acceptable test weld under subsection II. of Appendix C as a requirement of the qualifying test.

(6) Joining of Materials Other Than by Welding.

(G) Plastic Pipe—Qualifying Joining Procedures. (192.283)

1. Heat fusion, solvent cement, and adhesive joints. Before any written procedure established under paragraph (6)(B)2. is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified by subjecting specimen joints made according to the procedure to the following tests:

A. The burst test requirements of—

(I) In the case of thermoplastic pipe, paragraph 6.6 (Sustained Pressure Test) or paragraph 6.7 (Minimum Hydrostatic Burst Pressure) *[or paragraph 8.9 (Sustained Static Pressure Test)]* of ASTM D2513-99 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) for plastic materials other than polyethylene or ASTM D2513-09A (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) for polyethylene plastic materials;

(II) *(Reserved)*; or

(III) In the case of electrofusion fittings for polyethylene pipe and tubing, paragraph 9.1 (Minimum Hydraulic Burst Pressure Test), paragraph 9.2 (Sustained Pressure Test), paragraph 9.3 (Tensile Strength Test), or paragraph 9.4 (Joint Integrity Tests) of ASTM F1055 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

B. For procedures intended for lateral pipe connections, subject a specimen joint made from pipe sections joined at right angles according to the procedure to a force on the lateral pipe until failure occurs in the specimen. If failure initiates outside the joint area, the procedure qualifies for use; and

C. For procedures intended for nonlateral pipe connections, follow the tensile test requirements of ASTM D638 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), except that the test may be conducted at ambient temperature and humidity.

If the specimen elongates not less than twenty-five percent (25%) or failure initiates outside the joint area, the procedure qualifies for use.

2. Mechanical joints. Before any written procedure established under paragraph (6)(B)2. is used for making mechanical plastic pipe joints that are designed to withstand tensile forces, the procedure must be qualified by subjecting five (5) specimen joints made according to the procedure to the following tensile test:

A. Use an apparatus for the test as specified in ASTM D638 (except for conditioning), (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

B. The specimen must be of such length that the distance between the grips of the apparatus and the end of the stiffener does not affect the joint strength;

C. The speed of testing is 0.20 inches (5.0 mm) per minute, plus or minus twenty-five percent (25%);

D. Pipe specimens less than four inches (4") (102 mm) in diameter are qualified if the pipe yields to an elongation of no less than twenty-five percent (25%) or failure initiates outside the joint area;

E. Pipe specimens four inches (4") (102 mm) and larger in diameter shall be pulled until the pipe is subjected to a tensile stress equal to or greater than the maximum thermal stress that would be produced by a temperature change of 100°F (38°C) or until the pipe is pulled from the fitting. If the pipe pulls from the fitting, the lowest value of the five (5) test results or the manufacturer's rating, whichever is lower, must be used in the design calculations for stress;

F. Each specimen that fails at the grips must be retested using new pipe; and

G. Results obtained pertain only to the specific outside diameter and material of the pipe tested, except that testing of a heavier wall pipe may be used to qualify pipe of the same material but with a lesser wall thickness.

3. A copy of each written procedure being used for joining plastic pipe must be available to the persons making and inspecting joints.

4. Pipe or fittings manufactured before July 1, 1980 may be used in accordance with procedures that the manufacturer certifies will produce a joint as strong as the pipe.

(7) General Construction Requirements for Transmission Lines and Mains.

**(O) Additional Construction Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.328). The federal regulations at 49 CFR 192.328 are not adopted in this rule.**

(8) Customer Meters, Service Regulators, and Service Lines.

(O) Service Lines—Excess Flow Valve Performance Standards. (192.381)

1. Excess flow valves to be used on *[single residence]* service lines that operate continuously throughout the year at a pressure not less than ten (10) psi (69 kPa) must be manufactured and tested by the manufacturer according to an industry specification, or the manufacturer's written specification, to ensure that each valve will—

A. Function properly up to the maximum operating pressure at which the valve is rated;

B. Function properly at all temperatures reasonably expected in the operating environment of the service line;

C. At ten (10) psi (69 kPa) gauge:

(I) Close at, or not more than fifty percent (50%) above, the rated closure flow rate specified by the manufacturer; and

(II) Upon closure, reduce gas flow—

(a) For an excess flow valve designed to allow pressure to equalize across the valve, to no more than five percent (5%) of the manufacturer's specified closure flow rate, up to a maximum of twenty (20) cubic feet per hour (0.57 cubic meters per hour); or

(b) For an excess flow valve designed to prevent equalization of pressure across the valve, to no more than 0.4 cubic feet

per hour (0.01 cubic meters per hour); and

D. Not close when the pressure is less than the manufacturer's minimum specified operating pressure and the flow rate is below the manufacturer's minimum specified closure flow rate.

2. An excess flow valve must meet the applicable requirements of sections (2) and (4).

3. An operator must mark or otherwise identify the presence of an excess flow valve in the service line.

4. An operator shall locate an excess flow valve as near as practical to the fitting connecting the service line to its source of gas supply.

5. An operator should not install an excess flow valve on a service line where the operator has prior experience with contaminants in the gas stream, where these contaminants could be expected to cause the excess flow valve to malfunction or where the excess flow valve would interfere with necessary operation and maintenance activities on the service line, such as blowing liquids from the service line.

(P) Excess Flow Valve Installation. (192.383)

1. Definitions for subsection (8)(P).

A. **Branched service line means a gas service line that begins at the existing service line or is installed concurrently with the primary service line but serves a separate residence.**

[A./B. Replaced service line means a gas service line where the fitting that connects the service line to the main is replaced or the piping connected to this fitting is replaced.

[B./C. Service line serving single-family residence means a gas service line that begins at the fitting that connects the service line to the main and serves only one (1) single-family residence.

2. Installation required. An excess flow valve (EFV) installation must comply with the performance standards in subsection (8)(O). *[The operator must install an EFV on any new or replaced service line serving a single-family residence after February 12, 2010, unless one (1) or more of the following conditions is present:]* After April 14, 2017, each operator must install an EFV on any new or replaced service line serving the following types of services before the line is activated:

A. A single service line to one single family residence;

B. A branched service line to a single family residence installed concurrently with the primary single family residence service line (i.e., a single EFV may be installed to protect both service lines);

C. A branched service line to a single family residence installed off a previously installed single family residence service line that does not contain an EFV;

D. Multifamily residences with known customer loads not exceeding 1,000 SCFH per service, at time of service installation, based on installed meter capacity; and

E. A single, small commercial customer served by a single service line with a known customer load not exceeding 1,000 SCFH, at the time of meter installation, based on installed meter capacity.

3. Exceptions to excess flow valve installation requirement. An operator need not install an excess flow valve if one (1) or more of the following conditions are present:

A. The service line does not operate at a pressure of ten (10) psi gauge or greater throughout the year;

B. The operator has prior experience with contaminants in the gas stream that could interfere with the EFV's operation or cause loss of service to a residence;

C. An EFV could interfere with necessary operation or maintenance activities, such as blowing liquids from the line; or

D. An EFV meeting performance standards in subsection (8)(O) is not commercially available to the operator.

4. **Customer's right to request an EFV. Existing service line customers who desire an EFV on service lines not exceeding 1,000 SCFH and who do not qualify for one (1) of the exceptions in paragraph (8)(P)3. may request an EFV to be installed on their**

service lines. If an eligible service line customer requests an EFV installation, an operator must install the EFV at a mutually agreeable date. The operator's rate-setter determines how and to whom the costs of the requested EFVs are distributed.

5. **Operator notification of customers concerning EFV installation. Operators must notify customers of their right to request an EFV in the following manner:**

A. Except as specified in (8)(P)3. and (8)(P)5.E., each operator must provide written or electronic notification to customers of their right to request the installation of an EFV. Electronic notification can include emails, website postings, and e-billing notices.

B. The notification must include an explanation for the service line customer of the potential safety benefits that may be derived from installing an EFV. The explanation must include information that an EFV is designed to shut off the flow of natural gas automatically if the service line breaks.

C. The notification must include a description of EFV installation and replacement costs. The notice must alert the customer that the costs for maintaining and replacing an EFV may later be incurred, and what those costs will be to the extent known.

D. The notification must indicate that if a service line customer requests installation of an EFV and the load does not exceed 1,000 SCFH and the conditions of paragraph (8)(P)3. are not present, the operator must install an EFV at a mutually agreeable date.

E. Operators of master-meter systems may continuously post a general notification in a prominent location frequented by customers.

6. **Operator evidence of customer notification. An operator must make a copy of the notice or notices currently in use available during inspections conducted by designated commission personnel.**

[3./7. Reporting. Except for operators of master meter systems, [E/]each operator must report the EFV measures detailed in the annual report required by 4 CSR 240-40.020(7)(A).

(Q) Manual Service Line Shut-Off Valve Installation (192.385)

1. Definitions for subsection (8)(Q).

Manual service line shut-off valve means a curb valve or other manually operated valve located near the service line that is safely accessible to operator personnel or other personnel authorized by the operator to manually shut off gas flow to the service line, if needed.

2. Installation requirement. The operator must install either a manual service line shut-off valve or, if possible, based on sound engineering analysis and availability, an EFV for any new or replaced service line with installed meter capacity exceeding 1,000 SCFH.

3. Accessibility and maintenance. Manual service line shut-off valves for any new or replaced service line must be installed in such a way as to allow accessibility during emergencies. Manual service shut-off valves installed under this subsection are subject to regular scheduled maintenance, as documented by the operator and consistent with the valve manufacturer's specification.

(9) Requirements for Corrosion Control.

(B) How Does this [Subsection] Section Apply to Converted Pipelines and Regulated Onshore Gathering Lines? (192.452)

1. Converted pipelines. Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this rule in accordance with subsection (1)(H) must have a cathodic protection system designed to protect the pipeline in its entirety in accordance with subsection (9)(H) within one (1) year after the pipeline is readied for service.

2. Regulated onshore gathering lines. For any regulated onshore gathering line to which 49 CFR 192.8 and 192.9 did not apply until

April 14, 2006, and for any gathering line that becomes a regulated onshore gathering line under subsection (1)(E) because of a change in class location or increase in dwelling density:

A. The requirements of this section specifically applicable to pipelines installed before August 1, 1971, apply to the gathering line regardless of the date the pipeline was actually installed; and

B. The requirements of this section specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements.

(I) External Corrosion Control—Monitoring. (192.465)

1. Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding fifteen (15) months, to determine whether the cathodic protection meets the requirements of subsection (9)(H). (192.463) However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of one hundred feet (100') (thirty meters (30 m)), or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least twenty percent (20%) of these protected structures, distributed over the entire system, must be surveyed each calendar year, with a different twenty percent (20%) checked each subsequent year, so that the entire system is tested in each five- (5-) year period. Each short section of metallic pipe less than one hundred feet (100') (thirty meters (30 m)) in length installed and cathodically protected in accordance with paragraph (9)(R)2. (192.483[b]), each segment of pipe cathodically protected in accordance with paragraph (9)(R)3. (192.483[c]) and each electrically isolated metallic fitting not meeting the requirements of paragraph (9)(D)5. (192.455[f]) must be monitored at a minimum rate of ten percent (10%) each calendar year, with a different ten percent (10%) checked each subsequent year, so that the entire system is tested every ten (10) years.

2. Each cathodic protection rectifier or other impressed current power source must be inspected six (6) times each calendar year but with intervals not exceeding two and one-half (2 1/2) months to ensure that it is operating.

3. Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six (6) times each calendar year, but with intervals not exceeding two and one-half (2 1/2) months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding fifteen (15) months.

4. Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring *[required]* set forth in paragraphs (9)(I)1.–3. Corrective measures must be completed within six (6) months unless otherwise approved by designated commission personnel.

5. After the initial evaluation required by paragraphs (9)(D)2. and (9)(E)2., each operator must, not less than every three (3) years at intervals not exceeding thirty-nine (39) months, reevaluate its unprotected pipelines and cathodically protect them in accordance with section (9) in areas in which active corrosion is found, *except that unprotected steel service lines must be replaced as required by*. **Unprotected steel service lines are subject to replacement pursuant to subsection (15)(C).** The operator must determine the areas of active corrosion by electrical survey. However, on distribution lines and where an electrical survey is impractical on transmission lines, areas of active corrosion may be determined by other means that include review and analysis of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, the pipeline environment, and by instrument leak detection surveys (see subsections (13)(D) and (13)(M)). When the operator conducts electrical surveys, the operator must demonstrate that the surveys effectively identify areas of active corrosion.

(12) Operations.

(B) General Provisions. (192.603)

1. No person may operate a segment of pipeline unless it is

operated in accordance with this section.

2. Each operator shall keep records necessary to administer the procedures established under subsection (12)(C). (192.605)

3. Each operator *[shall be]* is responsible for ensuring that all work completed **on its pipelines** by its consultants and contractors complies with this rule.

4. Designated commission personnel may require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety. In the event of a dispute between designated commission personnel and the operator with respect to the appropriateness of a required amendment, the operator may file with the commission a request for a hearing before the commission, or the designated commission personnel may request that a complaint be filed against the operator by the general counsel of the commission.

(C) Procedural Manual for Operations, Maintenance, and Emergencies. (192.605)

1. General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines that are not exempt under subparagraph (12)(C)3.E., the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding fifteen (15) months, but at least once each calendar year. *[The manual must be revised, as necessary, within one (1) year of the effective date of revisions to this rule.]* This manual must be prepared before initial operations of a pipeline system commence and appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

2. Maintenance and normal operations. The manual required by paragraph (12)(C)1. must include procedures for the following, if applicable, to provide safety during maintenance and normal operations:

A. Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this section and sections (13) and (14);

B. Controlling corrosion in accordance with the operations and maintenance requirements of section (9);

C. Making construction records, maps, and operating history available to appropriate operating personnel;

D. Gathering of data needed for reporting incidents under 4 CSR 240-40.020 in a timely and effective manner;

E. Starting up and shutting down any part of a pipeline in a manner designed to assure operation within the MAOP limits prescribed by this rule, plus the build-up allowed for operation of pressure limiting and control devices;

F. Maintaining compressor stations, including provisions for isolating units or sections of pipe and for purging before returning to service;

G. Starting, operating, and shutting down gas compressor units;

H. Periodically reviewing the work done by operator personnel to determine the effectiveness and adequacy of the procedures used in normal operation and maintenance and modifying the procedures when deficiencies are found;

I. Inspecting periodically to ensure that operating pressures are appropriate for the class location;

J. Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available, when needed at the excavation, emergency rescue equipment including a breathing apparatus and a rescue harness and line;

K. Systematically and routinely testing and inspecting pipe-type or bottle-type holders including:

(I) Provision for detecting external corrosion before the strength of the container has been impaired;

(II) Periodic sampling and testing of gas in storage to determine the dew point of vapors contained in the stored gas that, if condensed, might cause internal corrosion or interfere with the safe

operation of the storage plant; and

(III) Periodic inspection and testing of pressure limiting equipment to determine that it is in a safe operating condition and has adequate capacity;

L. Continuing observations during all routine activities including, but not limited to, meter reading and cathodic protection work, for the purpose of detecting potential leaks by observing vegetation and odors. Potential leak indications must be recorded and responded to in accordance with section (14);

M. Testing and inspecting of customer-owned gas piping and equipment in accordance with subsection (12)(S);

N. Responding promptly to a report of a gas odor inside or near a building, unless the operator's emergency procedures under subparagraph (12)(J)1.C. specifically apply to these reports; and

O. Implementing the applicable control room management procedures required by subsection (12)(T).

3. Abnormal operation. For transmission lines the manual required by paragraph (12)(C)1. must include procedures for the following to provide safety when operating design limits have been exceeded:

A. Responding to, investigating, and correcting the cause of—

(I) Unintended closure of valves or shutdowns;

(II) Increase or decrease in pressure or flow rate outside normal operating limits;

(III) Loss of communications;

(IV) Operation of any safety device; and

(V) Any other foreseeable malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property;

B. Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation;

C. Notifying responsible operator personnel when notice of an abnormal operation is received;

D. Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found; and

E. The requirements of this paragraph (12)(C)3. do not apply to natural gas distribution operations that are operating transmission lines in connection with their distribution system.

4. Safety-related conditions. The manual required by paragraph (12)(C)1. must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the commission's reporting requirements.

5. Surveillance, emergency response, and accident investigation. The procedures required by paragraph (12)(H)1. and subsections (12)(J) and (L) (192.613[a], 192.615 and 192.617) must be included in the manual required by paragraph (12)(C)1.

(D) Qualification of Pipeline Personnel.

1. Scope. (192.801)

A. This subsection prescribes the minimum requirements for operator qualification of individuals performing covered tasks on a pipeline facility. This subsection applies to all individuals who perform covered tasks, regardless of whether they are employed by the operator, a contractor, a subcontractor, or any other entity performing covered tasks on behalf of the operator.

B. For the purpose of this subsection, a covered task is an activity, identified by the operator, that—

(I) Is performed on a pipeline facility;

(II) Is an operations, maintenance, or emergency-response task;

(III) Is performed as a requirement of this rule; and

(IV) Affects the operation or integrity of the pipeline.

2. Definitions. (192.803)

A. Abnormal operating condition means a condition identi-

fied by the operator that may indicate a malfunction of a component or deviation from normal operations that may:

(I) Indicate a condition exceeding design limits;

(II) Result in a hazard(s) to persons, property, or the environment; or

(III) Require an emergency response.

B. Evaluation (or evaluate) means a process consisting of training and examination, established and documented by the operator, to determine an individual's ability to perform a covered task and to demonstrate that an individual possesses the knowledge and skills under paragraph (12)(D)4. After initial evaluation for paragraph (12)(D)4., subsequent evaluations for paragraph (12)(D)4. can consist of examination only. The examination portion of this process *[shall]* **may** be conducted by one (1) or more of the following:

(I) Written examination;

(II) Oral examination;

(III) Hands-on examination, which could involve observation supplemented by appropriate queries. Observations can be made during:

(a) Performance on the job;

(b) On the job training; or

(c) Simulations.

C. Qualified means that an individual has been evaluated and can:

(I) Perform assigned covered tasks; and

(II) Recognize and react to abnormal operating conditions.

3. Qualification program. (192.805) Each operator shall have and follow a written qualification program. The program shall include provisions to:

A. Identify covered tasks;

**B. Provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities;**

*/B./C.* Ensure through evaluation that individuals performing covered tasks are qualified and have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities;

*/C./D.* Allow individuals that are not qualified pursuant to this subsection to perform a covered task if directed and observed by an individual that is qualified;

*/D./E.* Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident meeting the Missouri reporting requirements in 4 CSR 240-40.020(4)(A);

*/E./F.* Evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task;

*/F./G.* Communicate changes, including changes to rules and procedures, that affect covered tasks to individuals performing those covered tasks and their supervisors, and incorporate those changes in subsequent evaluations;

*/G./H.* Identify the interval for each covered task at which evaluation of the individual's qualifications is needed, with a maximum interval of thirty-nine (39) months;

*/H./I.* Evaluate an individual's possession of the knowledge and skills under paragraph (12)(D)4. at intervals not to exceed thirty-nine (39) months;

*/I./J.* Ensure that covered tasks are—

(I) Performed by qualified individuals; or

(II) Directed and observed by qualified individuals; and

*/J./K.* Submit each program change to designated commission personnel as required by subsection (1)(J).

4. Personnel to whom this subsection applies must possess the knowledge and skills necessary to—

A. Follow the requirements of this rule that relate to the covered tasks they perform;

B. Carry out the procedures in the procedural manual for

operations, maintenance, and emergencies established under subsection (12)(C) (192.605) that relate to the covered tasks they perform;

C. Utilize instruments and equipment that relate to the covered task they perform in accordance with manufacturer's instructions;

D. Know the characteristics and hazards of the gas transported, including flammability range, odorant characteristics, and corrosive properties;

E. Recognize potential ignition sources;

F. Recognize conditions that are likely to cause emergencies, including equipment or facility malfunctions or failure and gas leaks, predict potential consequences of these conditions, and take appropriate corrective action;

G. Take steps necessary to control any accidental release of gas and to minimize the potential for fire or explosion; and

H. Know the proper use of firefighting procedures and equipment, fire suits, and breathing apparatus by utilizing, where feasible, a simulated pipeline emergency condition.

5. Each operator shall continue to meet the training and annual review requirements regarding the operator's emergency procedures in subparagraph (12)(J)2.B., in addition to the qualification program required in paragraph (12)(D)3.

6. Each operator shall provide instruction to the supervisors or designated persons who will determine when an evaluation is necessary under subparagraph (12)(D)3./E./F.

7. Each operator shall select appropriately knowledgeable individuals to provide training and to perform evaluations. Where hands-on examinations and observations are used, the evaluator should possess the required knowledge to ascertain an individual's ability to perform covered tasks and react to abnormal operating conditions that might occur while performing those tasks.

8. Record keeping. (192.807) Each operator shall maintain records that demonstrate compliance with this subsection.

A. Qualification records shall include:

(I) Identification of the qualified individual(s);

(II) Identification of the covered tasks the individual is qualified to perform;

(III) Date(s) of current qualification; and

(IV) Qualification method(s).

B. Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five (5) years.

9. General. (192.809)

A. *[Subsection (12)(D) for personnel qualification was promulgated in 1989, effective December 15, 1989. Operators were required to meet the training and testing requirements within eighteen (18) months following the effective date, or June 15, 1991. At that time, there were no federal requirements for personnel qualification.] Operators must have a written qualification program by April 27, 2001. The program must be available for review by designated commission personnel.*

B. *[Subpart N to 49 CFR 192 (Subpart N) was adopted with federal regulations for qualification of pipeline personnel, effective October 26, 1999. Subsection (12)(D) is being amended in 2000 to incorporate much of Subpart N, including all requirements in Subpart N that are more stringent than the original subsection (12)(D). However, subsection (12)(D) as amended is different from and more stringent than Subpart N, primarily because training and testing is still required and work performance history review is not permitted as an evaluation method. Operators should continue to comply with the original subsection (12)(D) until the following deadlines, which are from Subpart N.] Operators must complete the qualification of individuals performing covered tasks by October 28, 2002.*

*[(I) Operators must have a written qualification program by April 27, 2001. The program and any program changes must be submitted to designated commission personnel as required by subsection (1)(J).*

*[(II) Operators must complete the qualification of individuals performing covered tasks by October 28, 2002.*

*[(III) After December 16, 2004, observation of on-the-job performance may not be used as the sole method of evaluation.]*

**C. After December 16, 2004, observation of on-the-job performance may not be used as the sole method of evaluation.**

(I) Damage Prevention Program. (192.614)

1. Except for pipelines listed in paragraphs (12)(I)6. and 7., each operator of a buried pipeline shall carry out in accordance with this subsection a written program to prevent damage to that pipeline by excavation activities. For the purpose of this subsection, excavation activities include excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations. Particular attention should be given to excavation activities in close proximity to cast iron mains with remedial actions taken as required by subsection (13)(Z). (192.755).

2. An operator may perform any of the duties *[required by]* specified in paragraph (12)(I)3. through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this subsection. However, an operator must perform the duties of subparagraph (12)(I)3.D. through participation in the qualified one-call system for Missouri. An operator's pipeline system must be covered by the qualified one-call system for Missouri.

3. The damage prevention program required by paragraph (12)(I)1. must, at a minimum—

A. Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located. A listing of persons involved in excavation activities shall be maintained and updated at least once each calendar year with intervals not exceeding fifteen (15) months. If an operator chooses to participate in an excavator education program of a one-call notification center, as provided for in subparagraphs (12)(I)3.B. and C., then such updated listing shall be provided to the one-call notification center prior to December 1 of each calendar year. This list should at least include, but not be limited to, the following:

(I) Excavators, contractors, construction companies, engineering firms, etc.—Identification of these should at least include a search of the phone book yellow pages, checking with the area and/or state office of the Associated General Contractors and checking with the operating engineers local union hall(s);

(II) Telephone company;

(III) Electric utilities and co-ops;

(IV) Water and sewer utilities;

(V) City governments;

(VI) County governments;

(VII) Special road districts;

(VIII) Special water and sewer districts; and

(IX) Highway department district(s);

B. Provide for at least a semiannual general notification of the public in the vicinity of the pipeline. Provide for actual notification of the persons identified in subparagraph (12)(I)3.A., at least once each calendar year at intervals not exceeding fifteen (15) months by registered or certified mail, or notification through participation in an excavator education program of a one-call notification center meeting the requirements of subparagraph (12)(I)3.C. Mailings to excavators shall include a copy of the applicable sections of Chapter 319, RSMo, or a summary of the provisions of Chapter 319, RSMo, approved by designated commission personnel, concerning underground facility safety and damage prevention pertaining to excavators. The operator's public notifications and excavator notifications shall include information concerning the existence and purpose of the

operator's damage prevention program, as well as information on how to learn the location of underground pipelines before excavation activities are begun;

C. In order to provide for an operator's compliance with the excavator notification requirements of subparagraph (12)(I)3.B., a one-call system's excavator education program must—

(I) Maintain and update a comprehensive listing of excavators who use the one-call notification center and who are identified by the operators pursuant to the requirements of subparagraph (12)(I)3.A.;

(II) Provide for at least semiannual educational mailings to the excavators named on the comprehensive listing maintained pursuant to part (12)(I)3.C.(I), by first class mail; and

(III) Provide for inclusion of the following in at least one (1) of the semiannual mailings *[required by]* **specified in** part (12)(I)3.C.(II): Chapter 319, RSMo or a summary of the provisions of Chapter 319, RSMo, approved by designated commission personnel, concerning underground facility safety and damage prevention which pertain to excavators; an explanation of the types of temporary markings normally used to identify the approximate location of underground facilities; and a description of the availability and proper use of the one-call system's notification center;

D. Provide a means of receiving and recording notification of planned excavation activities;

E. Include maintenance of records for subparagraphs (12)(I)3.B.–D. as follows:

(I) Copies of the two (2) most recent annual notifications sent to excavators identified in subparagraph (12)(I)3.A., or the four (4) most recent semiannual notifications sent in accordance with subparagraph (12)(I)3.C., must be retained;

(II) Copies of notifications required in subparagraph (12)(I)3.D. shall be retained for at least two (2) years. At a minimum, these records should include the date and the time the request was received, the actions taken pursuant to the request, and the date the response actions were taken; and

(III) Copies of notification records required by Chapter 319, RSMo, to be maintained by the notification center shall be available to the operator for at least five (5) years;

F. If the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings;

G. Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins; and

H. Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(I) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(II) In the case of blasting, any inspection must include leakage surveys.

4. Each notification identified in subparagraph (12)(I)3.D. should be evaluated to determine the need for and the extent of inspections. The following factors should be considered in determining the need for and extent of those inspections:

A. The type and duration of the excavation activity involved;

B. The proximity to the operator's facilities;

C. The type of excavating equipment involved;

D. The importance of the operator's facilities;

E. The type of area in which the excavation activity is being performed;

F. The potential for serious incident should damage occur;

G. The prior history of the excavator with the operator; and

H. The potential for damage occurring which may not be easily recognized by the excavator.

5. The operator should pay particular attention, during and after excavation activities, to the possibility of joint leaks and breaks due

to settlement when excavation activities occur near cast iron and threaded-coupled steel.

6. A damage prevention program under this subsection is not required for the following pipelines:

A. Pipelines to which access is physically controlled by the operator; and

B. Pipelines that are part of a petroleum gas system subject to subsection (1)(F) (192.11) or part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association.

7. Pipelines operated by persons other than municipalities (including operators of master meters) whose primary activity does not include the transportation of gas need not comply with the following:

A. The requirement of paragraph (12)(I)1. that the damage prevention program be written; and

B. The requirements of paragraphs (12)(I)3.A., (12)(I)3.B., and (12)(I)3.C.

(S) Providing Service to Customers.

1. At the time an operator physically turns on the flow of gas to a customer (see requirements in subsection (10)(J) for new fuel line installations)—

A. Each segment of fuel line must be tested for leakage to at least the delivery pressure; and

B. A visual inspection of the exposed, accessible customer gas piping, interior and exterior, and all connected equipment shall be conducted to determine that the requirements of any applicable industry codes, standards, or procedures adopted by the operator to assure safe service are met. This visual inspection need not be met for emergency outages or curtailments. In the event a large commercial or industrial customer denies an operator access to the customer's premises, the operator does not need to comply with the above requirement if the operator obtains a signed statement from the customer stating that the customer will be responsible for inspecting its exposed, accessible gas piping, and all connected equipment, to determine that the piping and equipment meets any applicable codes, standards, or procedures adopted by the operator to assure safe service. In the event the customer denies an operator access to its premises and refuses to sign a statement as described above, the operator may file with the commission an application for waiver of compliance with this provision.

2. When providing gas service to a new customer or a customer relocated from a different operating district, the operator must provide the customer with the following as soon as possible, but within seven (7) calendar days, unless the operator can demonstrate that the information would be the same:

A. Information on how to contact the operator in the event of an emergency or to report a gas odor;

B. Information on how and when to contact the operator when excavation work is to be performed; and

C. Information concerning the customer's responsibility for maintaining his/her gas piping and utilization equipment. In addition, the operator should determine if a customer notification is *[required by]* **applicable per** subsection (1)(K).

3. The operator shall discontinue service to any customer whose fuel lines or gas utilization equipment are determined to be unsafe. The operator, however, may continue providing service to the customer if the unsafe conditions are removed or effectively eliminated.

4. A record of the test and inspection performed in accordance with this subsection shall be maintained by the operator for a period of not less than two (2) years.

(T) Control Room Management. (192.631)

1. General.

A. This subsection applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this subsection, except as



follows. For each control room where an operator's activities are limited to either or both of distribution with less than two hundred fifty thousand (250,000) services or transmission without a compressor station, the operator must have and follow written procedures that implement only paragraphs (12)(T)4. (regarding fatigue), (12)(T)9. (regarding compliance validation), and (12)(T)10. (regarding compliance and deviations).

B. The procedures required by this subsection must be integrated, as appropriate, with operating and emergency procedures required by subsections (12)(C) and (12)(J). An operator must develop the procedures no later than August 1, 2011, and must implement the procedures according to the following schedule. The procedures required by paragraph (12)(T)2.; subparagraphs (12)(T)3.E. and (12)(T)4.B. and C.; and paragraphs (12)(T)6. and (12)(T)7. must be implemented no later than October 1, 2011. The procedures required by subparagraphs (12)(T)3.A.–D. and (12)(T)4.A. and D.; and paragraph (12)(T)5. must be implemented no later than August 1, 2012. The training procedures required by paragraph (12)(T)8. must be implemented no later than August 1, 2012, except that any training required by another paragraph or subparagraph of this subsection must be implemented no later than the deadline for that paragraph or subparagraph.

2. Roles and responsibilities. Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. To provide for a controller's prompt and appropriate response to operating conditions, an operator must define each of the following:

A. A controller's authority and responsibility to make decisions and take actions during normal operations;

B. A controller's role when an abnormal operating condition is detected, even if the controller is not the first to detect the condition, including the controller's responsibility to take specific actions and to communicate with others;

C. A controller's role during an emergency, even if the controller is not the first to detect the emergency, including the controller's responsibility to take specific actions and to communicate with others; *[and]*

D. A method of recording controller shift-changes and any hand-over of responsibility between controllers./.; **and**

**E. The roles, responsibilities and qualifications of others with the authority to direct or supersede the specific technical actions of a controller.**

3. Provide adequate information. Each operator must provide its controllers with the information, tools, processes, and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:

A. Implement sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165 (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)) whenever a SCADA system is added, expanded, or replaced, unless the operator demonstrates that certain provisions of sections 1, 4, 8, 9, 11.1, and 11.3 of API RP 1165 are not practical for the SCADA system used;

B. Conduct a point-to-point verification between SCADA displays and related field equipment when field equipment is added or moved and when other changes that affect pipeline safety are made to field equipment or SCADA displays;

C. Test and verify an internal communication plan to provide adequate means for manual operation of the pipeline safely, at least once each calendar year, but at intervals not to exceed fifteen (15) months;

D. Test any backup SCADA systems at least once each calendar year, but at intervals not to exceed fifteen (15) months; and

E. Establish and implement procedures for when a different controller assumes responsibility, including the content of information to be exchanged.

4. Fatigue mitigation. Each operator must implement the following methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and

responsibilities the operator has defined:

A. Establish shift lengths and schedule rotations that provide controllers off-duty time sufficient to achieve eight (8) hours of continuous sleep;

B. Educate controllers and supervisors in fatigue mitigation strategies and how off-duty activities contribute to fatigue;

C. Train controllers and supervisors to recognize the effects of fatigue; and

D. Establish a maximum limit on controller hours-of-service, which may provide for an emergency deviation from the maximum limit if necessary for the safe operation of a pipeline facility.

5. Alarm management. Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:

A. Review SCADA safety-related alarm operations using a process that ensures alarms are accurate and support safe pipeline operations;

B. Identify at least once each calendar month points affecting safety that have been taken off scan in the SCADA host, have had alarms inhibited, generated false alarms, or that have had forced or manual values for periods of time exceeding that required for associated maintenance or operating activities;

C. Verify the correct safety-related alarm set-point values and alarm descriptions at least once each calendar year, but at intervals not to exceed fifteen (15) months;

D. Review the alarm management plan required by this paragraph at least once each calendar year, but at intervals not exceeding fifteen (15) months, to determine the effectiveness of the plan;

E. Monitor the content and volume of general activity being directed to and required of each controller at least once each calendar year, but at intervals not to exceed fifteen (15) months, that will assure controllers have sufficient time to analyze and react to incoming alarms; and

F. Address deficiencies identified through the implementation of subparagraphs (12)(T)5.A.–E.

6. Change management. Each operator must assure that changes that could affect control room operations are coordinated with the control room personnel by performing each of the following:

A. Establish communications between control room representatives, operator's management, and associated field personnel when planning and implementing physical changes to pipeline equipment or configuration;

B. Require its field personnel to contact the control room when emergency conditions exist and when making field changes that affect control room operations; and

C. Seek control room or control room management participation in planning prior to implementation of significant pipeline hydraulic or configuration changes.

7. Operating experience. Each operator must assure that lessons learned from its operating experience are incorporated, as appropriate, into its control room management procedures by performing each of the following:

A. Review federal incidents that must be reported pursuant to 49 CFR 240.40.020 to determine if control room actions contributed to the event and, if so, correct, where necessary, deficiencies related to—

- (I) Controller fatigue;
- (II) Field equipment;
- (III) The operation of any relief device;
- (IV) Procedures;
- (V) SCADA system configuration; and
- (VI) SCADA system performance.

B. Include lessons learned from the operator's experience in the training program required by this subsection.

8. Training. Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to



exceed fifteen (15) months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:

A. Responding to abnormal operating conditions likely to occur simultaneously or in sequence;

B. Use of a computerized simulator or non-computerized (tabletop) method for training controllers to recognize abnormal operating conditions;

C. Training controllers on their responsibilities for communication under the operator's emergency response procedures;

D. Training that will provide a controller a working knowledge of the pipeline system, especially during the development of abnormal operating conditions; *[and]*

E. For pipeline operating setups that are periodically, but infrequently used, providing an opportunity for controllers to review relevant procedures in advance of their application*[/]; and*

**F. Control room team training and exercises that include both controllers and other individuals, defined by the operator, who would reasonably be expected to operationally collaborate with controllers (control room personnel) during normal, abnormal, or emergency situations. Operators must comply with the team training requirements under this paragraph by no later than January 23, 2018.**

9. Compliance validation. Operators must submit their procedures to designated commission personnel *[as required by]* per subsection (1)(J).

10. Compliance and deviations. An operator must maintain for review during inspection—

A. Records that demonstrate compliance with the requirements of this subsection; and

B. Documentation to demonstrate that any deviation from the procedures required by this subsection was necessary for the safe operation of a pipeline facility.

(13) Maintenance.

(F) Record Keeping. (192.709)

1. For transmission lines each operator shall keep records covering each leak discovered, repair made, line break, leakage survey, line patrol, and inspection for as long as the segment of transmission line involved remains in service. (192.709)

2. For feeder lines, mains, and service lines, each operator shall maintain—

A. Records pertaining to each original leak report for not less than six (6) years;

B. Records pertaining to each leak investigation and classification for not less than six (6) years. These records shall at least contain sufficient information to determine if proper assignment of the leak class was made, the promptness of actions taken, the address of the leak and the frequency of reevaluation and/or reclassification;

C. Records pertaining to each leak repair for the life of the facility involved, except no record is required for repairs of above-ground Class 4 leaks. These records shall at least contain sufficient information to determine the promptness of actions taken, address of the leak, pipe condition at the leak site, leak classification at the time of repair, and other such information necessary for proper completion of DOT annual Distribution and Transmission Line report forms (PHMSA F 7100.1-1 and PHMSA F 7100.2-1); **and**

D. Records pertaining to leakage surveys and line patrols conducted over each segment of pipeline for not less than six (6) years. These records shall at least contain sufficient information to determine the frequency, scope, and results of the leakage survey or line patrol*[/; and]*.

*[E. Records pertaining to leak tests or surveys conducted in accordance with paragraph (14)(B)7. for not less than two (2) years.]*

3. For yard lines and buried fuel lines, each operator shall maintain records of notifications and leakage surveys required by subsection (13)(M) for not less than six (6) years.

(R) Pressure Limiting and Regulating Stations—Inspection and Testing. (192.739)

1. Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding fifteen (15) months but at least once each calendar year to inspections and tests to determine that it is—

A. In good mechanical condition;

B. Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

C. Except as provided in paragraph (13)(R)2., set to control or relieve at the correct pressures that will prevent downstream pressures from exceeding the allowable pressures under subsections (4)(FF) and (12)(M)–(O);

D. Properly installed and protected from dirt, liquids, and other conditions that might prevent proper operation;

E. Properly protected from unauthorized operation of valves in accordance with paragraph (4)(EE)8.;

F. Equipped to indicate regulator malfunctions in accordance with paragraphs (4)(EE)10. and 11. in a manner that is adequate from the standpoint of reliability of operation; and

G. Equipped with adequate over-pressure protection in accordance with paragraph (4)(EE)9.

2. For steel pipelines whose MAOP is determined under paragraph (12)(M)3., if the MAOP is sixty (60) psi (four hundred fourteen (414) kPa) gauge or more, the control or relief pressure limit is as follows:

A. If the MAOP produces a hoop stress that is greater than seventy-two percent (72%) of SMYS, then the pressure limit is MAOP plus four percent (4%).

B. If the MAOP produces a hoop stress that is unknown as a percentage of SMYS, then the pressure limit is a pressure that will prevent unsafe operation of the pipeline considering its operating and maintenance history and MAOP.

**3. For individual service lines directly connected to production, gathering, or transmission pipelines, requirements for inspecting and testing devices and equipment are provided in subsection (13)(BB).**

(Z) Protecting or Replacing Disturbed Cast Iron Pipelines. (192.755) When an operator has knowledge that the support for a segment of a buried cast iron pipeline is disturbed or that an excavation or erosion is nearby, the operator shall determine if more than half the pipe diameter lies within the area of affected soil. For the purposes of this subsection, "area of affected soil" *[shall]* refer to the area above a line drawn from the bottom of the excavation or erosion, at the side nearest the main, at a forty-five degree (45°) angle from the horizontal (a lesser angle should be used for sandy or loose soils, or a greater angle may be used for certain consolidated soils if the angle can be substantiated by the operator). If more than half the pipe diameter lies within the area of affected soil, the following measures/precautions must be taken—

1. That segment of the pipeline must be protected, as necessary, against damage during the disturbance by—

A. Vibrations from heavy construction equipment, trains, trucks, buses, or blasting;

B. Impact forces by vehicles;

C. Earth movement;

D. Water leaks or sewer failures that could remove or undermine pipe support;

E. Apparent future excavations near the pipeline; or

F. Other foreseeable outside forces which may subject that segment of the pipeline to bending stress;

2. If eight inches (8") or less in nominal diameter, then as soon as feasible, this segment of cast iron pipeline, which shall include a minimum of ten feet (10') beyond the area of affected soil, must be replaced, except as noted in paragraph (13)(Z)4.;

3. If greater than eight inches (8") in nominal diameter, then as

soon as feasible, appropriate steps must be taken to provide permanent protection for the disturbed segment from damage that might result from external loads, including compliance with applicable requirements of subsection (7)(J) (192.319) and paragraph (7)(I)1. (192.317[a]); and

4. Replacement of cast iron pipelines would not necessarily be required if—

A. The support beneath the pipe is removed for a length less than ten (10) times the nominal pipe diameter not to exceed six feet (6');;

B. For parallel excavations, the pipe lies within the area of affected soil for a length less than ten (10) times the nominal pipe diameter not to exceed six feet (6');;

C. The excavation is made by the operator in the course of routine maintenance, such as leak repairs to the main or service line installation, where the exposed portion of the main does not exceed six feet (6'), and the backfill supporting the pipe is replaced and compacted by the operator; or

D. Permanent or temporary shoring was adequately installed to protect the cast iron pipeline during excavation and backfilling.

**(BB) Pressure Regulating, Limiting, and Overpressure Protection—Individual Service Lines Directly Connected to Production, Gathering, or Transmission Pipelines. (192.740)**

1. This subsection applies, except as provided in paragraph (13)(BB)3., to any service line directly connected to a production, gathering, or transmission pipeline that is not operated as part of a distribution system.

2. Each pressure regulating or limiting device, relief device (except rupture discs), automatic shutoff device, and associated equipment must be inspected and tested at least once every three (3) calendar years, not exceeding thirty-nine (39) months, to determine that it is:

A. In good mechanical condition;

B. Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

C. Set to control or relieve at the correct pressure consistent with the pressure limits of paragraph (4)(DD)2.; and to limit the pressure on the inlet of the service regulator to sixty (60) psi (414 kPa) gauge or less in case the upstream regulator fails to function properly; and

D. Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

3. This subsection does not apply to equipment installed on service lines that only serve engines that power irrigation pumps.

(14) Gas Leaks.

(C) Leak Classifications. The leak classifications in this subsection apply to pipelines, and do not apply to fuel lines. The definitions for “pipeline,” “fuel line,” “reading,” “sustained reading,” “building,” “tunnel,” and “vault or manhole” are included in subsection (1)(B). The definition for “reading” is the highest sustained reading when testing in a bar hole or opening without induced ventilation. Thus, the leak classification examples involving a gas reading do not apply to outside pipelines located aboveground. Even though the leak classifications do not apply to fuel lines, an operator must respond immediately to each notice of an inside leak or odor as required in paragraphs (12)(J)1., (14)(B)1., and (14)(B)2. In addition, the requirements in paragraph (12)(S)3. apply to fuel lines that are determined to be unsafe.

1. Class 1 leak is a gas leak which, due to its location and/or magnitude, constitutes an immediate hazard to a building and/or the general public. *[It shall require immediate corrective action which shall provide for public safety and protect property]* **A Class 1 leak requires immediate corrective action.** Examples of Class 1 leaks are: a gas fire, flash, or explosion; broken gas facilities such as contractor damage, main failures or blowing gas in a populated area; an indication of gas present in a building emanating from operator-owned facilities; a gas reading equal to or above the lower

explosive limit in a tunnel, sanitary sewer, or confined area; gas entering a building or in imminent danger of doing so; and any leak which, in the judgment of the supervisor at the scene, is regarded as immediately hazardous to the public and/or property. When venting at or near the leak is the immediate corrective action taken for Class 1 leaks where gas is detected entering a building, the leak may be reclassified to a Class 2 leak if the gas is no longer entering the building, nor is in imminent danger of doing so. However, the leak shall be rechecked daily and repaired within fifteen (15) days. Leaks of this nature, if not repaired within five (5) days, may need to be reported as a safety-related condition, as required in 4 CSR 240-40.020(12) and (13). (191.23 and 191.25)

2. Class 2 leak is a leak that does not constitute an immediate hazard to a building or to the general public, but is of a nature requiring action as soon as possible. The leak of this classification must be rechecked every fifteen (15) days, until repaired, to determine that no immediate hazard exists. A Class 2 leak may be properly reclassified to a lower leak classification within fifteen (15) days after the initial investigation. Class 2 leaks due to readings in sanitary sewers, tunnels, or confined areas must be repaired or properly reclassified within fifteen (15) days after the initial investigation. All other Class 2 leaks must be eliminated within forty-five (45) days after the initial investigation, unless it is definitely included and scheduled in a rehabilitation or replacement program to be completed within a period of one (1) year, in which case the leak must be rechecked every fifteen (15) days to determine that no immediate hazard exists. Examples of Class 2 leaks are: a leak from a transmission line discernible twenty-five feet (25') or more from the line and within one hundred feet (100') of a building; any reading outside a building at the foundation or within five feet (5') of the foundation; any reading greater than fifty percent (50%) gas-in-air located five to fifteen feet (5'-15') from a building; any reading below the lower explosive limit in a tunnel, sanitary sewer, or confined area; any reading equal to or above the lower explosive limit in a vault, catch basin, or manhole other than a sanitary sewer; or any leak, other than a Class 1 leak, which in the judgment of the supervisor at the scene, is regarded as requiring Class 2 leak priority.

3. Class 3 leak is a leak that does not constitute a hazard to property or to the general public but is of a nature requiring routine action. These leaks must be repaired within five (5) years and be rechecked twice per calendar year, not to exceed six and one-half (6 1/2) months, until repaired or the facility is replaced. Examples of Class 3 leaks are: any reading of fifty percent (50%) or less gas-in-air located between five and fifteen feet (5'-15') from a building; any reading located between fifteen and fifty feet (15'-50') from a building, except those defined in Class 4; a reading less than the lower explosive limit in a vault, catch basin, or manhole other than a sanitary sewer; or any leak, other than a Class 1 or Class 2 which, in the judgment of the supervisor at the scene, is regarded as requiring Class 3 priority.

4. Class 4 leak is a confined or localized leak which is completely nonhazardous. No further action is *[required]* necessary.

(15) Replacement Programs.

(B) Replacement Programs—General Requirements. Each operator shall establish written programs to implement the requirements of this section. The requirements of this section apply to pipelines as they existed on December 15, 1989. *[These programs shall be filed with designated commission personnel in accordance with subsection (1)(J) by May 1, 1990.]*

(C) Replacement Program—Unprotected Steel Service Lines and Yard Lines. At a minimum, each investor-owned, municipal, or master meter operator shall establish instrument leak detection survey and replacement programs for unprotected operator-owned and customer-owned steel service lines and yard lines. The operator *[shall]* may choose from the following options, unless otherwise ordered by the commission, and shall notify the commission by May 1, 1990, of which option or combination of options the

*operator will implement*]:

1. Conduct annual instrument leak detection surveys on all unprotected steel service lines and yard lines and implement a replacement program where all unprotected steel service lines and yard lines will be replaced by May 1, 1994;

2. Conduct annual instrument leak detection surveys on all unprotected steel service lines and unprotected steel yard lines. The operator shall compile a historical summary listing the cumulative number of unprotected steel service lines and yard lines installed, replaced, or repaired due to underground leakage and with active underground leaks in a defined area. Based on the results of the summary, the operator shall initiate replacement, to be completed within eighteen (18) months, of all unprotected steel service lines and yard lines in a defined area once twenty-five percent (25%) or more meet the previously mentioned repair, replacement, and leakage conditions. At a minimum, ten percent (10%) of the customer-owned unprotected steel service lines in the system as of December 15, 1989, must be replaced annually. Beginning with calendar year 1994, a minimum of five percent (5%) of the unprotected steel yard lines, and operator-owned and installed unprotected steel service lines in the system as of December 15, 1989, must be replaced annually; and

3. Conduct annual instrument leak detection surveys on all unprotected steel service lines and unprotected steel yard lines and implement a replacement program. The program must prioritize replacements based on the greatest potential for hazards. At a minimum, ten percent (10%) of the customer-owned unprotected steel service lines in the system as of December 15, 1989, must be replaced annually. Beginning with calendar year 1994, a minimum of five percent (5%) of the unprotected steel yard lines, and operator-owned and installed unprotected steel service lines in the system as of December 15, 1989, must be replaced annually.

(17) Gas Distribution Pipeline Integrity Management (IM)

(B) What Do the Regulations in this Section Cover? (192.1003) *[This section prescribes minimum requirements for an IM program for any gas distribution pipeline covered under this rule. A gas distribution operator, other than a master meter operator, must follow the requirements in subsections (17)(C)–(G). A master meter operator of a gas distribution line must follow the requirements in subsection (17)(H). Information about IM programs is available at <http://primis.phmsa.dot.gov/dimp/>.]*

1. General. Unless exempted in paragraph (17)(B)2., this section prescribes minimum requirements for an IM program for any gas distribution pipeline covered under this rule, including liquefied petroleum gas systems. A gas distribution operator, other than a master meter operator, must follow the requirements in subsections (17)(C)–(G). A master meter operator must follow the requirements in subsection (17)(H).

2. Exceptions. Section (17) does not apply to an individual service line directly connected to a transmission, gathering, or production pipeline.

(C) What Must a Gas Distribution Operator (Other than a Master Meter Operator) Do to Implement this Section? *[(191.1005)/192.1005]* No later than August 2, 2011, a gas distribution operator must develop and implement an integrity management program that includes a written integrity management plan as specified in subsection (17)(D).

#### Appendix E to 4 CSR 240-40.030

#### Appendix E/M—Table of Contents—Safety Standards—Transportation of Gas by Pipeline.

#### 4 CSR 240-40.030(1) General

(L) Customer Notification, *[Required by]* Paragraph (12)(S)2.

#### 4 CSR 240-40.030(3) Pipe Design

(K) Design of Copper Pipe for Repairs. (192.125)

(L) Additional Design Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.112)

#### 4 CSR 240-40.030(5) Welding of Steel in Pipelines

(B) General. *[(192.223)]*

#### 4 CSR 240-40.030(7) General Construction Requirements for Transmission Lines and Mains

(O) Additional Construction Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. (192.328).

#### 4 CSR 240-40.030(8) Customer Meters, Service Regulators, and Service Lines

(Q) Manual Service Line Shut-Off Valve Installation (192.385)

#### 4 CSR 240-40.030(9) Requirements for Corrosion Control.

(B) How Does this *[Subsection]* Section Apply to Converted Pipelines and Regulated Onshore Gathering Lines? (192.452)

#### 4 CSR 240-40.030(12) Operations

(M) Maximum Allowable Operating Pressure—Steel or Plastic Pipelines. (192.619 and 192.620)

#### 4 CSR 240-40.030(13) Maintenance

(BB) Pressure Regulating, Limiting, and Overpressure Protection—Individual Service Lines Directly Connected to Production, Gathering, or Transmission Pipelines. (192.740)

#### 4 CSR 240-40.030(17) Gas Distribution Pipeline Integrity Management (IM)

(C) What Must a Gas Distribution Operator (Other than a Master Meter Operator) Do to Implement this Section? *[(191.1005)/192.1005]*

*AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. Original rule filed Feb. 23, 1968, effective March 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed June 4, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before August 15, 2018, and should include a reference to Commission Case No. GX-2018-0279. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 20, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 40—Gas Utilities and Gas Safety Standards**

**PROPOSED AMENDMENT**

**4 CSR 240-40.080 Drug and Alcohol Testing.** The commission is amending sections (1) and (4).

*PURPOSE:* This amendment modifies the rule to address any amendments of 49 CFR parts 40 and 199 promulgated between October 2015 and September 2017.

(1) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2015] 2017, 49 CFR parts 40 and 199 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR parts 40 and 199. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2015] 2017 version of 49 CFR parts 40 and 199 is available at [www.gpo.gov/fdsys/search/showcitation.action](http://www.gpo.gov/fdsys/search/showcitation.action).

(4) For purposes of this rule, the following substitutions should be made for certain references in the federal pipeline safety regulations adopted by reference in section (2) of this rule:

(D) The references to the applicability exemptions for operators of master meter systems as defined in section “191.3 of this chapter” in 49 CFR 199.2 should refer to [“4 CSR 240-40.020(2)(F)”] “4 CSR 240-40.020(2)(G)” instead.

*AUTHORITY:* sections 386.250, 386.310, and 393.140, RSMo 2016. Original rule filed Nov. 29, 1989, effective April 2, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 4, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission’s offices on or before August 15, 2018, and should include a reference to Commission Case No. GX-2018-0279. Comments may also be submitted via a filing using the commission’s electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for August 20, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants and Loans**

**PROPOSED RESCISSION**

**10 CSR 20-4.010 Construction Grant and Loan Priority System.**

This rule set forth the system used by the commission to prioritize projects for the Environmental Protection Agency wastewater treatment construction grants program, the state matching grant program and the state construction grants program. This rule set forth state eligibility limitations for grants under the Environmental Protection Agency wastewater treatment construction grants program and the state matching grant program. This rule also set forth the methods used by the commission to develop and modify lists of grant projects eligible for funding under the Environmental Protection Agency wastewater treatment construction grants program and the state matching grant program.

*PURPOSE:* This rule is being rescinded. Section (1) Priority Point System will be deleted and the department will create Priority Point Criteria to be noticed annually for public comment and adopted by the Clean Water Commission. Proposed to move section (2) Priority Lists and Section (3) Modifications to 10 CSR 20-040 State Revolving Fund General Assistance Regulation.

*AUTHORITY:* section 644.026, RSMo 2000. Original rule filed Dec. 4, 1975, effective Dec. 14, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 13, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for the Clean Water Commission to be held at 10 a.m. on August 15, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring/Roaring River Conference Rooms, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants and Loans**

**PROPOSED AMENDMENT**

**10 CSR 20-4.030 Grants for Sewer Districts and Certain Small Municipal Sewer Systems.**

The department is amending the purpose of the rule; renumbering the sections within this rule; amending subsection (1)(A) Grant Application Requirements; updating terminology in subsection (1)(A); adding “cost” to the preliminary engineering study in subsection (1)(D); modifying the language in subsection (1)(D) to replace latest census with most recent decennial census and adding an income survey overseen by a state or federal agency; including additional language under paragraphs (1)(D)5.-6. and renumbering this section; updating terminology under section (2); deleting the grant limitations and maximum grant amount under subsection (2)(B);

removing duplicative language and updating terminology under subsection (2)(C); removing grant amount and referencing the law in subsection (2)(C); including new language to clarify eligible costs for connecting unsewered areas in paragraph (2)(D)1., updating terminology and stating the drawings and specifications for the project and such services must have been procured with state law to be eligible costs in subsection (2)(D); removing that applicants cannot receive more than one grant period in any two- (2-) year period in subsection (2)(E) and renumbering this section; removing prior section (4) Approval and Payment of Grants Made and Amended Between March 4, 2007 and August 30, 2007, in its entirety; adding "Funds" to Approval and Payment of Grants in section (5), removing when the department notifies approval of the grant application in subsection (5)(A); updating terminology in subsection (5)(A), adding demonstration by the applicant that funding for the total project costs has been secured in subsection (5)(A); removing how often payments can be requested in subsection (5)(C); replacing three (3) years with two (2) years when describing when the department will recover grant payments if not utilized and including applicants requesting an extension in section (5) and renumbering this section; replacing twenty (20) years with thirty (30) years in section (6); removing design life of facilities in section (6); and clarifying how the grant funds to be reimbursed will be based if the facility is sold, in section (6).

**PURPOSE:** *The amendment removes language that is no longer applicable, clarifies current language, and eliminates duplicative and unnecessary regulatory requirements. The purpose is also being amended to reference current statutes.*

**PURPOSE:** *This rule defines the department's grant eligibility and a means of administering the state funds appropriated for rural community and sewer district sanitary sewer collection systems by defining rural communities and sewer districts pursuant to sections 640.600, 640.605, 640.615, and 640.620, RSMo.*

(1) Grant Application Requirements.

(A) *[As required by section 640.615, RSMo, t]*The applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance, and after the amount of that assistance has been determined, an application for a grant under this rule may be made to and processed by the department. *[This requirement may be met by the submittal of a pre-application form and preliminary engineering report to the Missouri Water and Wastewater Review Committee (MWWRC).]*

*[(B)]* An application for a grant shall be submitted on forms provided by the department/. *The application shall be* and supported by the necessary documents and forms from other state and federal grant or lending agencies or private lending agencies to enable the department to establish eligibility for grant funds.

*[(C)](B)* The project for which the grant application is submitted shall comply with appropriate state and local laws, rules, and ordinances.

*[(D)](C)* The grant application packet shall contain the information identified below:

1. The preliminary engineering cost study for the proposed project including, but not limited to, the following items: development and administration costs; land, structures, right-of-way costs; legal costs; engineering costs; interest costs; equipment costs, contingencies; other costs; total project costs; and other information as required in rule 10 CSR 20-8.110;

2. Information required to determine the cost per contracted connection of the proposed project;

3. The median household income of the residents in the district or community; as determined by the *[latest] most recent decennial census or by an income survey overseen by a state or federal agency; [and]*

4. Information required to determine the ratio of contracted users to potential users/.

5. The number of acres being protected for any source water

protection project; and

6. Demonstration of recipient's legal, institutional, managerial, and financial capability to ensure adequate operation and maintenance of the wastewater treatment works throughout recipient's jurisdiction.

(2) Eligibility Requirements.

(A) Grants shall be limited to *[rural communities, neighborhood improvement districts,]* **municipal sewer systems**, certain public water supply districts or public sewer districts of less than ten thousand (10,000) population.

(B) Grants awarded under this regulation can be used *[to supplement other funding sources]* to provide collection sewers to unsewered areas. *[Grants for collection sewers are limited to one thousand four hundred dollars (\$1,400) per new connection up to fifty percent (50%) of the eligible project costs. No grant will exceed five hundred thousand dollars (\$500,000).]*

(C) Grants awarded under this regulation can be used *[by any community with less than ten thousand (10,000) population, public sewer district or public water district]* to fund *[up to fifty percent (50%) of the]* costs *[required]* incurred to meet more stringent operating permit requirements when those increased permit requirements are attributable to changes in, or the implementation of, the state water quality policies or state water quality standards.

(D) Grants will be the lesser of *[one thousand four hundred dollars (\$1,400)]* the per connection *[or]* amount specified in **640.620, RSMo**, or fifty percent (50%) of the eligible costs of the *[upgrades (including the proportional share of the associated engineering)]* improvements, or five hundred thousand dollars (\$500,000) *[whichever is less]*.

*[(D)](E)* *[Other than pre-approved financing costs, no more than fifty percent (50%) of total eligible costs will be reimbursed through the grant.]* Grants *[shall]* may be used for the following costs:

1. Construction *[contracts]* costs for the *[construction]* installation of new sewer collection lines, lift stations, and associated facilities required to serve an unsewered area. House laterals are not eligible;

2. Construction costs for the installation, rehabilitation, or upgrade of *[publicly owned]* a wastewater *[systems. House laterals are not eligible]* treatment facility as specified in subsection (2)(C);

*[2.]3.* Engineering *[costs including]* services and other services incurred in preparing the design/, planning and construction phase engineering if the costs are supported by an engineering agreement pre-approved by the department; and drawings and specifications for the project. Such services must have been procured in accordance with state law to be eligible costs.

*[3. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when they are needed for cash flow purposes for the period between grant award and the first grant payment from the department. The approved costs of grant anticipation notes will be in addition to the approved grant amount.]*

*[(E) No applicant shall receive more than one (1) grant for a sewer collection project in any two (2)-year period.]*

*[(4) Approval and Payment of Grants Made and Amended Between March 4, 2007 and August 30, 2007.*

(A) The applicant shall be notified by the department when the grant application has been approved. Grant award shall be made upon receipt and approval of bid documents and executed contract documents.

(B) Full payment of the grant amount shall be made at the time of the department's receipt of the executed grant award or grant amendment. The following provisions shall apply:

1. The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo;

2. The full grant award amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;

3. Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the costs of construction, equipment and construction phase engineering as the costs are incurred. No funds will be withdrawn for the construction of house laterals; and

4. The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.

(C) Any cost of work completed after submission of the statement of work completed form shall not be considered an eligible project cost. The grant amount will be reduced, if necessary, to reflect actual project costs as determined by the invoices submitted by the grantee.

(D) The department will verify project completion after a final inspection by the department has been conducted.

(E) An audit to verify expenditure of grant funds may be made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in subsection (2)(D) of this regulation will be recovered.]

[[5]](4) Approval and Payment of Grant [Made after August 30, 2007] Funds.

(A) The [department shall notify the applicant when the grant application has been approved. G]grant award shall be made upon receipt and approval of bid documents, [and] executed contract documents, **and demonstration by the applicant that funding for the total project costs has been secured.** The department may elect to pay out the full grant amount at the time of grant award or to make payments to the grantee based on the cash flow circumstances of the state funds.

(B) If the department elects to make full payment of the grant amount, payment shall be made at the time of the department's receipt of the executed grant award. The following provisions apply:

1. The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo;

2. The full grant award amount will be paid to the grantee for deposit into the grantee's established escrow account;

3. Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the costs of construction, equipment, and construction phase engineering as the costs are incurred. No funds will be withdrawn for construction costs of house laterals or for costs that have been declared ineligible by the department;

4. The grantee will submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee must submit copies of the invoices to document the costs; and

5. The bank account may earn interest, however, all withdrawals from the account must be documented with eligible invoices. If the project costs are inadequate to withdraw all the funds in the account, the balance must be refunded to the department.

(C) [If the department elects to make grant payments rather than fund the full grant, payments can be requested no more frequently than monthly.] The department will provide

a payment request form for the grantee to use. The payment request must be supported by invoices that document the costs incurred.

(D) [Any cost of work completed after submission of the statement of work completed form shall not be considered an eligible project cost.] The grant amount will be reduced, if necessary, to reflect actual project costs as determined by the invoices submitted by the grantee.

(E) The department will verify project completion after the final inspection by the department has been conducted.

(F) Any funds remaining in the escrow account [three (3)] **two (2)** years after the date of the initial grant payment will be recovered by the department. On grants that are paid incrementally by the department, no payments will be made after [three (3)] **two (2)** years from the initial grant award acceptance, **unless an extension is granted by the department.**

(G) An audit to verify expenditure of grant funds may be made by the department [after the completion of each approved project]. Any funds found not expended for the purposes listed in subsection (2)[(D)](E) of this regulation will be recovered.

[[6]](5) If at any time [during the twenty (20)-year design life of the facility(ies)] **within thirty (30) years after initiation of operations of the project, the wastewater treatment works funded under this rule, or any part thereof,** is sold, either outright or on contract for deed, to other than a political subdivision of the state, the state shall receive reimbursement of the grant funds. The total amount of grant funds to be reimbursed shall be based on a [twenty (20)] **thirty- (30)-[ ]** year straight-line depreciation **based on the original costs of the facilities being sold and adjusted for the percentage of grant funds originally disbursed to fund such facilities.** Grant funds to be reimbursed shall become due and payable upon transfer of ownership of the facility(ies).

**AUTHORITY:** section 640.600 and 640.615, RSMo [2000] 2016 Original rule filed Feb. 2, 1983, effective July 1, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for the Clean Water Commission to be held at 10 a.m. on August 15, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring/Roaring River Conference Rooms, 1730, East Elm Street, Jefferson City, MO 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 20—Clean Water Commission

#### Chapter 4—Grants and Loans

#### PROPOSED AMENDMENT

**10 CSR 20-4.040 Clean Water State Revolving Fund General Assistance Regulation.** The department is removing rescinded federal requirement and incorporating CFR and census source in section

(1); removing definitions found in CFR; adding, amending, or editing other definitions as necessary in section (2); revising application timeline and removing language for rescinded federal requirements in section (3); removing rescinded federal requirement, adding new federal requirement, establishing Target Interest Rate policy, and removing policy details in section (4); changing loan fee to match approved rate and clarifying loan fee uses in section (5); amending for clarification and adding additional fee for late repayment in section (6); amending several references, removing obsolete federal requirement, and adding new federal requirements or policies in section (7); amending reference, removing superseded federal guidance, and adding new federal requirement in section (9); amending based on current federal policy and amending financial assistance descriptions in section (10); amending to reflect current accounting method required by federal government in section (11); amending reference in section (12); adding engineering procurement exemption for design build projects in section (13); removing outdated federal requirement, and clarifying meeting requirements in section (14); deleting section (15) and renumbering sections (16) through (25); removing a redundant sentence, and clarifying sentence on requirement for satellite system in section (16); citing appropriate regulations and regulatory limits, removing verbatim language found in federal regulations, removing obsolete requirement, and adding new requirement in section (17); amending for clarification, adding new requirements, and updating regulatory limits in section (18); amending regulation citation, removing verbatim federal language, grouping appropriate items together, and updating language to new regulations in section (21); citing statute in section (23); adding regulation for cost recovery on property sale in section (25); adding new state regulation requirement for design-build in section (26); adding new regulation to allow loans for reports not covered under chapter 8 design in section (27); adding fiscal sustainability regulation for federal requirement in section (28); and adding regulation to incorporate language rescinded from 10 CSR 20-4.010 in section (29).

**PURPOSE:** *The amendment revises the rule purpose, and removes regulations that are no longer applicable, clarifies current rule language, and eliminates duplicative and unnecessary regulatory requirements.*

**PURPOSE:** *This rule sets forth requirements for the implementation of Title VI of the Federal Water Pollution Control Act, as amended [in 1987], which authorizes the administrator of the Environmental Protection Agency to make capitalization grants to states for financing the Clean Water State Revolving Fund Program[s].*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) **Applicability.** This rule defines the minimum requirements which apply to all recipients of assistance under the **Clean Water State Revolving Fund [(SRF)] Program. Recipients of assistance are subject to the requirements of this regulation, unless otherwise specified.** The recipient must satisfy more stringent requirements, if required to do so by applicable federal laws, regulations, or guidance and state or local statutes, policies, rules, ordinances, *[or] orders, or loan documentation. [Recipients of assistance under the American Recovery and Reinvestment Act of 2009 are subject to the requirements of this regulation, unless otherwise specified.]* **The Code of Federal Regulations referenced in the regulation are incorporated as published July 1, 2017. The regulations are incorporated by reference without any later amend-**

**ments or modifications.** To obtain a copy, contact the U.S. Government Printing Office at 732 North Capitol Street, NW, Washington D.C., 20401, toll free at (866) 512-1800 or by visiting <https://bookstore.gpo.gov>. To obtain the decennial median household income visit the U.S. Census Bureau American Fact Finder webpage [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml), contact the U.S. Census Bureau, 4600 Silver Hill Road, Suitland, MD 20746, or toll free at (800) 923-8282.

(2) **Definitions.** The definitions of terms for 10 CSR 20-4.040–10 CSR 20-4.050 are contained in 10 CSR 20-2.010 and subsections (2)(A)–[(S)](N) of this rule.

[(A) **ARRA—American Recovery and Reinvestment Act of 2009 (P.L. 111-5).**

(B) **BPWTT—Best practicable waste treatment technology.**

(C) **Collection sewers—Sewers having the primary purpose of collecting wastewater from individual properties.**

(D) **Combined sewers—Sewers constructed to carry both storm water and sanitary sewage.]**

(A) **Assistance—The types of financial assistance allowed pursuant to 33 U.S.C. 1383(d)(1)–(5).**

(B) **Clean Water State Revolving Fund (CWSRF)—The financial assistance program authorized by Title VI of the Federal Water Pollution Control Act.**

[(E)](C) **Debt service—The costs associated with amortizing loans. These costs include interest charges, penalty charges, and repayment of principal.**

[(F) **Director of staff—The director of staff of the Missouri Clean Water Commission.]**

[(G)](D) **EIERA—State Environmental Improvement and Energy Resources Authority.**

[(H)](E) **Infiltration/inflow (I/I)—Groundwater or storm water which enters a sanitary sewer system.**

[(I)](F) **Initiation of operation—The date when the first [construction contract is completed and the] constructed component is capable of being used for its intended purpose.**

[(J) **Innovative technology—Developed wastewater treatment processes and techniques which have not been fully proven under the circumstances of their contemplated use and which represent a significant advancement over the state of the art in terms of significant reduction in life cycle cost or significant environmental benefits through the reclaiming and reuse of water, otherwise eliminating the discharge of pollutants, utilizing recycling techniques, such as land treatment, more efficient use of energy and resources, improved or new methods of waste treatment management for combined municipal and industrial systems, or the confined disposal of pollutants so that they will not migrate to cause water or other environmental pollution.]**

[(K)](G) **Intended Use Plan—A planning document, prepared by the Department of Natural Resources, that identifies the intended uses of available funds.**

[(L) **Interceptor sewers—Sewers having the primary purpose of transporting wastewater from collection sewers to a wastewater treatment facility.]**

(H) **Loan—Unless stated otherwise, loan generally refers to the agreement to lend money to an eligible recipient. The type of agreement could be a loan agreement, bond purchase agreement, or other debt instrument.**

[(M)](I) **Readiness to proceed—The submittal, by the applicant, of a complete engineering report/facility plan and documentation that the applicant has an acceptable debt instrument including any necessary funding commitments from other state and/or federal agencies. A detailed plan may be substituted for a facility plan for requests of planning financial assistance.**

[(N)](J) **Recipient of financial assistance from programs supported or secured by the Water and Wastewater Loan Fund (WWLF), the Water and Wastewater Loan Revolving [Loan]**



Fund [(WWRLF)] (WWLRF), CWSRF bonds issued by EIARA, or state bond funds.

[(O)](K) Staff—Staff of the Missouri Department of Natural Resources.

[(P)] *State Revolving Fund (SRF)*—The financial assistance program authorized by Title VI of the Federal Clean Water Act. In Missouri the State Revolving Fund consists of the WWLF, the WWRLF, and those accounts secured by funds from the WWLF and the WWRLF. The State Revolving Fund is subject to the requirements, restrictions, and eligibilities placed on the State Revolving Fund by the Federal Water Pollution Control Act.

[(Q)] *Subagreements*—Agreements and contracts entered into by recipients.]

[(L)] *Treatment works*—Refer to the definition in Section 212 of the Federal Water Pollution Control Act.

[(R)](M) WWLF—Water and Wastewater Loan Fund. State fund established by the state treasurer pursuant to section 644.122, RSMo.

[(S)](N) [WWRLF] WWLRF—Water and Wastewater Loan Revolving [Loan] Fund. State fund under the WWLF into which repayments are held by the state treasurer and from which new loans may be made.

(3) Project Selection Process. This section delineates the process by which the commission selects projects for receipt of CWSRF assistance.

(A) The commission shall hold an annual competition for receipt of CWSRF assistance. This competition will be structured as follows:

*1. Applicants—*

A. SRF applicants must submit an application as described in section (8) of this rule that must be postmarked or received by the department on or before November 15 prior to the fiscal year for which SRF assistance is being sought. Electronically transmitted applications shall not be accepted. Unsuccessful applicants requesting funds during a given fiscal year shall be considered for funding the next fiscal year and need not reapply. The department may extend this deadline if sufficient applications are not received to use all of the funds expected to be available. Applications received after the deadline may be placed on a project list as determined by the Clean Water Commission (CWC). The projects may subsequently be considered for funding by the CWC if the project is ready to proceed during the fiscal year the project appears in the Intended Use Plan (IUP);

B. ARRA applicants must submit an application as described in section (8) of this rule. Applications will be accepted upon announcement by DNR and must meet program guidance and federal law or regulations as appropriate and applicable;]

1. Applications postmarked or received by the Water Protection Program by the calendar date established in the annual application package will be considered for competitive placement on the annual Intended Use Plan. The deadline will be no sooner than sixty (60) days after the application package is made available. Applications are valid for two (2) annual Intended Use Plan cycles. Applications received after the deadline may be placed on a priority list as determined by the commission based on availability of funds;

2. Applicants that have an outstanding [SRF] loan balance with the department must be in compliance with the terms and conditions of their [loan] assistance agreements to be eligible for additional funding;

3. All qualified applications will be rated and placed on the appropriate list in accordance with 10 CSR 20-4.1010/040(29)(B) and, in addition, applicants seeking ARRA funding shall also be rated in accordance with the American Recovery and

Reinvestment Act of 2009 and corresponding federal guidance];

4. The commission will select the [highest rated] projects with the highest priority points, meeting readiness to proceed criteria, for CWSRF assistance from CWSRF funds anticipated to be available during the upcoming fiscal year; and

[5. The commission may hold a separate competition for projects requesting loans with a term of less than three (3) years; and]

[6.]5. The commission may hold a separate competition for projects seeking funding whenever [appropriate and] allowed by federal law and in the event supplemental funds are provided.

(B) The commission may direct projects toward specific financial assistance programs contained in 10 CSR 20-4. The commission's decisions shall be based upon the amount of financial assistance funds available, the amount of financial assistance funds requested, the size of the project, the credit worthiness of the applicant, and the applicant's authority to incur long-term debt.

(4) Target Interest Rate (TIR). The TIR policy shall be established by the Missouri Clean Water Commission in consultation with the department and the EIARA based upon current economic factors, projected fund utilization, deposits in the [Wastewater Revolving Loan Fund] WWLRF, and actual or anticipated federal capitalization grants, and be published in the annual Intended Use Plan. [The department will use the Twenty-Five Bond Revenue Index as published in The Bond Buyer (or any successor publication) as the basis for determining the TIR.] The department reserves the right to refinance, assign, pledge, or leverage any loans originated under this [subsection] rule.

[(A)] The TIR for all assistance provided under 10 CSR 20-4.041, Direct Loan Program, shall not be less than thirty percent (30%) of the weekly Twenty-Five Bond Revenue Index as published in The Bond Buyer (or any successor publication) the week preceding funding, rounded up to the nearest one-hundredth (0.01) of one percent (1%). The commission may reduce the interest rate to meet the needs of the applicant. In order to reduce the interest rate, the commission must determine that unique or unusual circumstances exist. In addition, the commission may reduce the interest rate for projects impacting enterprise zones as authorized under state law.

(B) The TIR for all assistance provided under 10 CSR 20-4.042, Leveraged Loan Program, shall not be less than thirty percent (30%) of the weekly Twenty-Five Bond Revenue Index as published in The Bond Buyer (or any successor publication) the week preceding funding, rounded up to the nearest one-hundredth (0.01) of one percent (1%). The Clean Water Commission (CWC) shall not undertake project-by-project revisions.]

[(C)](A) A disadvantaged community may receive a [further] reduction in the TIR as determined by the [CWC] commission. A disadvantaged community is defined, for the purpose of reducing the TIR, as an applicant that—

1. Has a population of three thousand three hundred (3,300) or less based on the most recent decennial census;

2. Has a median household income at or below seventy-five percent (75%) of the state average median household income as determined by the most recent decennial census or by an income survey overseen by a state or federal agency; and

3. Has an average wastewater user charge for five thousand (5,000) gallons that is at least two percent (2%) of the median household income of the applicant, determined by the decennial census or income survey listed in (4)(A)2.

[(D)] For projects funded by the ARRA, the Federal Water Pollution Control Act as amended, or any subsequent federal act, additional subsidization (such as principal forgiveness, negative interest loans, grants, or the like) may be provided



*as federal law requires or allows.]*

**(B) Additional Subsidization.** Additional subsidization (such as principal forgiveness, negative interest loans, grants, or the like) may be provided as the Federal Water Pollution Control Act as amended, or any subsequent federal act, requires or allows.

**(C)** In accordance with section 603(d)(1)(A) of the Federal Water Pollution Control Act, the term of the assistance agreement shall be established per the provisions in 10 CSR 20-4.041(8)(A).

(5) Loan Fees. The department may charge annual loan administrative fees not to exceed one-half percent [(1%)] **(0.5%)** of the outstanding loan balance of each loan *[provided from the WWLF or the WWRLF, except as provided under section (6). These fees shall be used in accordance with federal SRF program guidance.]* for loan origination, loan servicing and administration of the program. Other loan expenses including, but not limited to, cost of issuance, debt service reserve and expenses charged by the paying agent will be paid by the recipient.

(6) Additional Administrative Fees Allowed. Additional administrative fees may be assessed by the department at the time the administration fee is calculated for failure by a recipient to **pay debt service on the loan or** submit approved documents to the department (for example, operation and maintenance manuals, enacted user charge and sewer use ordinances, executed contract documents) in accordance with the time frames provided under the program agreement entered into by the recipient. The additional fee will be an additional one-tenth percent (0.1%) per month that the *[document]* recipient remains delinquent. The additional fee **for delinquent documents** will be collected only during the year in which the document is not submitted.

(7) General CWSRF Assistance Requirements. The commission will prioritize potential CWSRF projects by assigning priority points in accordance with *[10 CSR 20-4.010]* **the CWSRF Priority Point Criteria established per subsection (29)(A) of this rule.**

(A) Municipalities, counties, public sewer or water districts, or both, political subdivisions or instrumentalities of the state, and combinations of the same, or any entity eligible pursuant to the Federal Water Pollution Control Act as amended, are eligible for CWSRF assistance. The recipient must demonstrate its legal, institutional, managerial, and financial capability to ensure adequate operation and maintenance of the wastewater treatment works throughout the recipient's jurisdiction.

*[(B) Ownership of facilities, equipment, and real property purchased under the program with a current value in excess of five thousand dollars (\$5,000) may be transferred only with written permission of the department. Transfer of ownership to entities not listed in subsection (7)(A) of this rule will require immediate repayment of assistance.]*

*[(C) Assistance under this rule cannot be used for portions of a project receiving a federal construction grant under Title II of the Federal Water Pollution Control Act.]*

*[(D)](B) Financial Disclosure. [Loan a]* Applicants shall provide upon request to the department and the EIARA any detailed financial information *[about the loan applicant]* as may be required by the commission, the department, the EIARA, or its financial or legal consultants to determine the applicant's eligibility for the *[leveraged loan program]* **financial assistance.**

*[(E)](C)* For equivalency projects, the recipient and its contractors must comply with all requirements associated with funds provided under *[the Federal Water Pollution Control Act. Equivalency projects will be so designated in the annual Intended Use Plan developed in accordance with this rule]* **40 CFR 35.3135.**

*[(F)](D)* If the department determines that an applicant is in significant noncompliance with a valid National Pollutant Discharge Elimination System (NPDES) permit or Missouri State Operating

Permit, the Federal Water Pollution Control Act as amended, the Missouri Clean Water Law as amended, or implementing regulations, then the department may refuse to provide financial assistance to such applicant, or require the applicant to reach a binding agreement regarding corrective actions the applicant will take to address such noncompliance.

**(E)** All recipients are encouraged to retain the services of a financial advisor who is registered with the U.S. Securities Exchange Commission.

**(F)** American Iron and Steel. Recipients will need to keep supporting documentation to show that iron and steel products used comply with the requirements of 33 U.S.C. 1388 and subsection (17)(N) of this rule unless a waiver has been received.

(9) Facility Planning. All facility plans must be in accordance with *[accepted engineering practices and the current Waste Treatment Design Guide]* 10 CSR 20-8.110.

(A) Requirements for all projects are as follows:

1. The most reasonable environmentally sound and implementable waste management alternatives must be studied and evaluated. Proposed waste treatment management plans and practices shall provide for the most cost effective technology that can treat wastewater and I/I to meet the current 10 CSR 20-7.015 Effluent Regulations, and 10 CSR 20-7.031 Water Quality Standards/. *The requirement for cost-effectiveness may be waived by the department for projects upon showing that the project provides environmentally preferable benefits, for example sludge utilization, water reuse, or reduction];*

2. An estimate of the average user charge including documentation for the basis of the estimate; **and**

3. An assessment of the environmental conditions and impact of the proposed project on the environment is required. The environmental review process and associated public notice requirements are contained in 10 CSR 20-4.050. Additional public participation requirements are outlined in subsections (14)(A) and (B);/.

*[(B) Applicants that do not propose to employ a full time operator, forty (40) hours per week, must evaluate passive or easy to operate treatment alternatives before considering a mechanical activated sludge package plant. Passive or easy to operate alternatives may include, but are not limited to, enhanced natural systems, submerged fixed film systems, sand filters, and recirculating pea gravel filters.]*

*[(C) Projects over five (5) million dollars are encouraged to provide a multi-disciplined engineering review of plans and specifications.]*

*[(D) Projects are encouraged to utilize energy and water conservation technologies.]*

**(B)** Recipients meeting the definition of municipality or inter-municipal, interstate or state agency shall provide a certification with the facility plan that it complies with cost and effectiveness requirements found in Section 602(b)(13) of the Federal Water Pollution Control Act.

(10) Additional Preclosing Requirements.

(A) Submittal Deadline. All documents necessary to provide assistance must be submitted to the department in sufficient time, **as agreed upon in the project schedule**, to allow adequate time for review and *[must be approved sixty (60) days]* **approval** prior to the *[pool]* loan closing date established by the department. *[The commission has the authority to extend deadlines if justified.]*

(B) Final Document Submittal. Documents listed in paragraphs (10)(B)1.-[8].9. must be submitted and *[approved]* **accepted** by the department:

1. Resolution identifying the authorized representative by name. Applicants *[for assistance under the SRF]* shall provide a resolution by the governing body designating a representative authorized to file the application for assistance, reimbursement requests, and act in

behalf of the applicant in all matters related to the project;

2. Plans and specifications certified by a registered professional engineer licensed in Missouri;

3. *[Draft]* **If engineering services are to be reimbursed, an engineering contract as described in section (12) and the appropriate procurement documentation as described in section (13);**

**4. If applicable, the design-build contract per section (26) and the appropriate procurement documentation;**

*[4.5. [Draft] Adopted* user charge ordinance as described in section *[(17)] (16);*

*[5.6. [Draft] Enacted* sewer use ordinance as described in section *[(17)] (16);*

*[6.7. Proposed* project schedule. The following represents the minimum requirements for the project schedule:

A. Construction start defined as date of issuance of notice to proceed;

B. Construction completion;

C. Initiation of operation; and

D. Project completion;

*[7.8. Certification of easements and real property acquisition. Recipients of assistance under the CWSRF shall have obtained title or option to the property or easements or condemnation proceedings initiated for the project prior to award of [a loan] financial assistance; and*

*[8.9. Other information or documentation deemed necessary by [the applicant or] the department to ensure the proper expenditure of state funds.*

(11) Accounting and Audits. *[Applicants] Recipients* are required to have a dedicated source for repayment of any loans and an adequate financial management system and audit procedure for the project which provides efficient and effective accountability and control of all property, funds, and assets related to the project. The *[applicant's] recipient's* financial system is subject to state or federal audits to assure fiscal integrity of public funds.

(A) Each recipient is expected to have an adequate accounting system for the project which provides efficient and effective accountability and control of all property, funds, and assets.

1. The recipient is responsible for maintaining a financial management system which will adequately provide for an accurate, current, and complete disclosure of the financial results of each loan project. The proprietary fund (business-related fund) accounting will be in accordance with generally accepted government accounting principles and practices, regardless of the source of funds.

2. An acceptable accounting system includes books and records showing all financial transactions related to the construction project. The system must document all receipt and disbursement transactions. *It also must*, and group them by type of account (for example, asset, revenue, expense, etc.) and by individual expense account (for example, personnel salaries and wages, subcontract costs, etc.).

*[A.3. The recipient shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly the amount, receipt, and disposition by the recipient for all assistance received for the project and the total costs of the project of whatever nature incurred for the performance of the project for which the assistance was awarded. [Some of the minimum standards for an adequate accounting system are—]*

*[(I) The accounting system should be on a double entry basis with a general ledger in which all transactions are recorded in detail or in summary from subordinate accounts;*

*[(II) Recording of transactions pertaining to the construction project should be all inclusive, timely, verifiable, and supported by documentation;*

*[(III) The system must disclose the receipt and use of all funds received in support of the project;*

*[(IV) Responsibility for all project funds must be placed with either a project manager or trust agent;*

*(V) Responsibility for accounting and control must be segregated from project operations. The accounting system and related procedures should be documented for consistent application;*

*(VI) The proprietary fund must use the modified accrual or accrual basis of accounting as it provides an effective measure of costs and expenditures;*

*(VII) Inventories of property and equipment should be maintained in subordinate records controlled by the general ledger and should be verified by physical inventory at least biennially;*

*(VIII) The accounting system must identify all project costs and differentiate between eligible and ineligible costs;*

*(IX) Accounts should be set up in a way to identify each organizational unit, function, or task providing services to the construction project;*

*(X) An important project management objective of the system is the derivation of information regarding actual versus budgeted costs by project task and performing organization; and*

*(XI) Financial reports should be prepared monthly to provide project managers with a timely, accurate status of the construction project and costs incurred.]*

(B) Annual Audit/s/ed Financial Statements.

1. The recipient shall *[request]* cause an audit of the *[system] recipient's annual financial report* for the preceding fiscal year to be made by a certified public accountant or firm of certified public accountants employed for that purpose.

A. The annual audit will cover in reasonable detail the operation of the proprietary system during the fiscal year.

B. Within one hundred eighty (180) days after the end of the recipient's fiscal year, a copy of the annual financial report will be submitted to the department as long as the recipient is in loan repayment status. A recipient who cannot meet this deadline will notify the department in writing of the delay with the expected date of completion.

*[C. Annual audits shall be required as long as the recipient is in loan repayment status.*

2. As required by federal law, the recipient must comply with the provisions of OMB Circular A-133 governing the audit of state and local governments.

A. OMB Circular A-133 states if the recipient receives five hundred thousand dollars (\$500,000) or more in the aggregate during any fiscal year from disbursements from federal sources, including the SRF program, the recipient will complete an audit of its system records for the fiscal year.

B. A copy of the recipient's annual audit, including all written comments and recommendations of the accountant, will be furnished to the department within the time period as provided in OMB Circular A-133.]

2. As required by federal law, a recipient must comply with the provisions of OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as amended, governing the audit of state and local governments. When applicable, a copy of this audit, including all written comments and recommendations of the accountant, will be furnished to the department within the time period as provided in OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(12) Architectural or Engineering Contracts. The following represents the minimum requirements for the architectural or engineering contracts:

(A) General Requirements for *[Subagreements] Contracts*.

1. Be necessary for and directly related to the accomplishment of the project work.

2. Be a lump sum or cost plus fixed fee contract in the form of

a bilaterally executed written agreement.

3. Be for monetary consideration.
4. Not be in the nature of a grant or gift.
5. State a time frame for performance.
6. State a cost which cannot be exceeded except by amendment.
7. State provisions for payment; and

(B) The nature, scope, and extent of work to be performed during construction should include, but not be limited to, the following:

1. Preparing an operation and maintenance manual if required by the department and as defined in subsection *[(17)](22)(A)*;
2. Assisting the recipient in bid letting;
3. Assisting the recipient *[subdivision]* in reviewing and analyzing construction bids and making recommendations for award; and
4. Inspecting during construction to ensure conformance with the construction contract documents unless waived by the department.

(C) Executed Engineering Contract Submittal. The final approved executed engineering contract must be submitted prior to the first reimbursement request.

(13) Procurement of Engineering Services. The procurement of engineering services shall be in accordance with sections 8.285 through 8.291, RSMo, **unless such engineering services are performed as part of a design-build contract pursuant to section (26).**

(14) Public Participation. *[The public must be allowed an opportunity to exchange ideas with the applicant during project development.]* Public participation must be preceded by timely distribution of information and *[must]* occurs sufficiently in advance of decision making to allow the recipient to assimilate public views into action. *[At a minimum, the recipient must provide the opportunities for p]Public participation [described in] shall include the following:*

*[(A) A public meeting shall be conducted to discuss the alternative engineering solutions.]*

*[(B)](A)* Prior to approval of the draft user charge ordinance, a public hearing, in accordance with section 250.233, RSMo, shall be conducted to specifically address the proposed user charge rates.

(B) Public notice of the hearing shall be published at least thirty (30) days prior to the meeting date. **Public hearing notices shall include the date, time and place of the hearing. The notice may be for multiple hearings and should include a separate starting time for each hearing.** The recipient shall prepare a transcript, recording, or other complete record of the proceeding and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review; and

(C) Public participation requirements for environmental review are contained in 10 CSR 20-4.050/[(2)](4)(B)2.

*[(15) Design. Design of the project will be in conformance with accepted engineering practices and the current Waste Treatment Design Guide, 10 CSR 20-8. A preliminary design submittal, including the design criteria and facilities layout sheet, may be required at approximately the twenty percent (20%) design stage.]*

*[(16)](15)* Intermunicipal Agreements. Prior to closing, if the project serves two (2) or more public entities, the applicant shall submit executed agreements or contracts between the public entities for the financing, construction and operation of the proposed treatment facilities. At a minimum, the agreement or contract will include:

- (A) The operation and maintenance responsibilities of each party upon which the costs are allocated;
- (B) The formula by which the costs are allocated;
- (C) The manner in which the costs are allocated;
- (D) The term of the agreement, which shall be, at a minimum, for

the term of the loan;

- (E) The method for resolution or arbitration of disputes;
- (F) The procedure for amending or renegotiating the agreement;
- (G) The enforcement authority; and
- (H) The effective date of the agreement.

*[(17)](16)* User Charge and Sewer[-] Use Ordinance. Recipients are required to maintain, for the useful life of the treatment works, user charge, and sewer[-] use ordinances approved by the department. User charge, and sewer[-] use ordinances, at a minimum, shall be adopted prior to financing and implemented by the initiation of operation of the financed wastewater treatment works. *[A copy of the enacted ordinance must be submitted prior to initiation of operation.]*

(A) The user charge system must be designed to produce adequate revenues required for the operation and maintenance, including a reserve for equipment replacement. A one hundred ten percent (110%) debt service reserve may be required. The sewer user rate for operation and maintenance, including replacement, shall be proportional and based upon actual use. Each user charge system must include an adequate financial management system that will accurately account for revenues generated by the system, debt service, and loan fee costs and expenditures for operation and maintenance, including replacement based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the costs of personnel, material, energy, and administration. The user charge system shall provide that the costs of operation and maintenance for all flow not directly attributable to users be distributed equally among the users. The system shall provide for an annual review of charges. A user charge system shall be adopted by all *[political subdivisions] municipalities (as defined in 40 CFR 35.2005(b)(27) receiving waste treatment services [from the recipient] if required by federal law.*

(B) Low Income Residential User Rates.

1. Recipients may establish lower user charge rates for low income residential users after providing for public notice and hearing, in accordance with section 250.233, RSMo. The criteria used to determine a low income residential user must be clearly defined.

2. The costs of any user charge reductions afforded a low income residential class must be proportionately absorbed by all other user classes. The total revenue for operation and maintenance (including equipment replacement) of the facilities, and debt retirement must not be reduced as a result of establishing a low income residential user class.

(C) The sewer[-] use ordinance shall prohibit any new connections from inflow sources into the treatment works and require that new sewers and connections to the treatment works are properly designed and constructed. The ordinance also shall require that all wastewater introduced into the treatment works not contain toxic or other pollutants in amounts or concentrations that endanger public safety and physical integrity of the treatment works; cause violation of effluent or water quality limitations; preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal; or inhibit the performance of a pretreatment facility. The ordinance shall require all users to connect to the system within ninety (90) days of service availability.

*[(18)](17)* Specifications. The construction specifications must contain the features listed in the following:

(A) Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description, in competitive procurements, shall not contain features which unduly restrict competition unless the features are necessary to test or demonstrate a specific thing or to provide for interchangeability of parts and equipment. The description shall include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and

standards to which it must conform if it is to satisfy its intended use;

(B) The recipient shall avoid the use of detailed product specifications if at all possible;

(C) When in the judgment of the recipient it is impractical or uneconomical to make a clear and accurate description of the technical requirements, recipients may use a “brand name or equivalent” **description** as a means to define the performance or other salient requirements of an item to be procured. The recipient need not establish the existence of any source other than the named brand. Recipients must state clearly in the specification the salient requirements of the named brand *[which must]* to be met by offerers and that other brands may be accepted;

(D) Sole Source Restriction. A specification shall not require the use of structures, materials, equipment, or processes which are known to be available only from a sole source, unless the department determines that the recipient’s engineer has adequately justified in writing to the department that the proposed use meets the particular project’s minimum needs;

(E) Experience Clause Restriction. **The general use of experience clauses is restricted to special cases.**

1. The general use of experience clauses requiring equipment manufacturers to have a record of satisfactory operation for a specified period of time or of bonds or deposits to guarantee replacement in the event of failure is restricted to special cases where the recipient’s engineer adequately justifies any such requirement in writing. Where this justification has been made, submission of a bond or deposit shall be permitted instead of a specified experience period. The period of time for which the bond or deposit is required shall not exceed the experience period specified[.].

2. **The general use of experience clauses requiring contractors to have a record of satisfactory experience for a specified period of time or the completion of a specified number of similar projects is restricted to special cases where the recipient’s engineer adequately justifies any such requirement in writing. Such justification shall not unduly restrict competition or result in excessive bonding requirements. Where this justification has been made, submission of a bond or deposit shall be permitted instead of the specified experience. The period of time for which the bond or deposit is required shall not exceed the experience period specified;**

(F) Domestic Products Procurement Law. In accordance with sections 34.350–34.359, RSMo, the bid documents shall require all manufactured goods or commodities used or supplied in the performance of any contract or subcontract awarded on a loan project to be manufactured, assembled, or produced in the United States, unless obtaining American-made products would increase the cost of the contract by more than ten percent (10%);

(G) Bonding. On construction contracts exceeding *[one hundred/ fifty thousand dollars [(\$100,000)] (\$50,000)]*, the bid documents shall require each bidder to furnish a bid guarantee equivalent to five percent (5%) of the bid price. In addition, the bid documents must require the successful bidder to furnish performance and payment bonds, each of which shall be in an amount not less than one hundred percent (100%) of the contract price;

(H) State Wage Determination. The bid documents shall contain the current prevailing wage determination issued by the Missouri Department of Labor and Industrial Relations, Division of Labor Standards as **established by 290.210-290.340, RSMo;**

(I) *[Contractors for ARRA-funded projects]* **Davis-Bacon Wage Requirements. Construction of treatment of works must comply with the Davis-Bacon [Act (40 U.S.C. 276a–276a-7)] requirements in accordance with 29 CFR 5.5.** The current Davis-Bacon wage rate from the United States Department of Labor must be incorporated in the bid documents;

(J) Small, Minority, Women’s, and Labor Surplus Area Businesses. The recipient shall *[take affirmative steps and the bid documents shall require the bidders to take affirmative steps to assure that small, minority, and women’s business-*

*es are used when possible as sources of supplies, construction, and services. Affirmative steps shall include the following:] comply with 2 CFR 200.321 and 40 CFR part 33;*

*[1. Including qualified small, minority, and women’s businesses on solicitation lists;*

*2. Ensuring that small, minority, and women’s businesses are solicited whenever they are potential sources;*

*3. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority, and women’s businesses;*

*4. Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority, and women’s businesses;*

*5. Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the United States Department of Commerce as appropriate; and*

*6. If the contractor awards sub agreements, requiring the subcontractor to take the affirmative steps in paragraphs (18)(J)1.–5. of this rule;]*

(K) Debarment/Suspension. The recipient agrees to *[deny participation in services, supplies or equipment to be procured for this project to any debarred or suspended firms or affiliates in accordance with Executive Order 12549]* **follow 2 CFR part 180 subpart C and 2 CFR 200.213.** The recipient acknowledges that doing business with any party listed on the List of Debarred, Suspended or Voluntarily Excluded Persons may result in disallowance of project costs under the assistance agreement;

(L) Right of entry to the project site must be provided for representatives of the Missouri Department of Natural Resources, Clean Water Commission, and the EIERA so they may have access to the work wherever it is in preparation or progress. Proper facilities must be provided for access and inspections;

(M) The specifications must include the following statement: “The owner shall make payment to the contractor in accordance with section 34.057, RSMo.”; and

(N) *[Buy American Provision. For ARRA funded projects, the specifications must include the following statement or a similar statement in accordance with federal guidance: “All iron, steel, and manufactured goods used in this project must be produced in the United States unless a) a waiver is provided to the owner by the Environmental Protection Agency or b) compliance would be inconsistent with United States obligations under international agreements.”]* **American Iron and Steel. Specifications shall adhere to requirements under 33 U.S.C. 1388 for projects involving the construction, alteration, maintenance, or repair of a treatment works.**

*[(19)](18)* Construction Equipment and Supplies Procurement. This section describes the minimum procurement requirements which the recipient must use under the CWSRF program. **The recipient must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.**

(A) Small Purchases. A small purchase is the procurement of materials, supplies, and services when the aggregate amount involved in any one (1) transaction does not exceed one hundred **fifty thousand dollars [(\$100,000)] (\$150,000)**. The small purchase limitation of one hundred **fifty thousand dollars [(\$100,000)] (\$150,000)** applies to the aggregate total of an order, including all estimated handling and freight charges, overhead, and profit to be paid under the order. In arriving at the aggregate amount involved in any one (1) transaction, all items which should properly be grouped together must be included. Department *[approval]* **concurrence** and a minimum of three (3) quotes must be obtained prior to purchase.

(B) Bidding Requirements. This subsection applies to procurement

of construction equipment, supplies, and construction services in excess of one hundred **fifty** thousand dollars *[(/\$ 100,000)] (\$150,000)* awarded by the recipient for any project. No contract shall be awarded until the department has approved the formal advertising and bidding.

1. Formal advertising.

A. Adequate public notice. The recipient will cause adequate notice to be given of the solicitation by publication in newspapers of general circulation beyond the recipient's locality (preferably statewide), construction trade journals, or plan rooms, inviting bids on the project work and stating the method by which bidding documents may be obtained or examined.

B. Adequate time for preparing bids. A minimum of *[twenty-one (21)] thirty (30)* days shall be allowed between the date when public notice, publication, insertion, or document available in a plan room is first published or provided and the date by which bids must be submitted. Bidding documents shall be available to prospective bidders from the date when the notice is first published or provided. Recipients are encouraged to directly solicit bids from prospective bidders.

2. Bid document requirements and procedure. The recipient shall prepare a reasonable number of bidding documents (invitations for bids) and shall furnish them upon request on a first-come, first-served basis. The recipient shall maintain a complete set of bidding documents and shall make them available for inspection and copying by any party. The bidding documents shall include, at a minimum:

A. A complete statement of the work to be performed or equipment to be supplied and the required completion schedule;

B. The terms and conditions of the contract to be awarded;

C. A clear explanation of the method of bidding and the method of evaluation of bid prices and the basis and method for award of the contract or rejection of all bids;

D. Responsibility requirements and criteria which will be employed in evaluating bidders;

E. The recipient shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening;

F. If a recipient desires to amend any part of the bidding documents during the period when bids are being prepared, addenda shall be communicated in writing to all firms which have obtained bidding documents in time to be considered before the bid opening time. All addenda must be approved by the department prior to award of the contract;

G. A firm which has submitted a bid shall be allowed to modify or withdraw its bid before the time of bid opening;

H. The recipient shall provide for a public opening of bids at the place, date, and time announced in the bidding documents. Bids received after the announced opening time shall be returned unopened;

**I. The recipient may reserve the right to reject all bids. Unless all bids are rejected for good cause, [A] award shall be to the lowest, responsive, responsible bidder.**

(I) After bids are opened, the recipient shall evaluate them in accordance with the methods and criteria set forth in the bidding documents.

(II) The recipient shall award contracts only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed contract. A responsible contractor is one that has financial resources, technical qualifications, experience, organization, and facilities adequate to carry out the contract or a demonstrated ability to obtain these. *The [recipient may reserve the right to reject all bids. Unless all bids are rejected for good cause, award shall be made to the low, responsive, responsible bidder, the]* recipient shall have established protest provisions in the specifications. These provisions shall not include the department as a participant in the protest procedures.

(III) If the recipient intends to make the award to a firm which did not submit the lowest bid, the recipient shall prepare a written statement before any award, explaining why each lower bidder was deemed non-responsive or nonresponsive and shall retain

the statements in its files.

(IV) The recipient shall not reject a bid as nonresponsive for failure to list or otherwise indicate the selection of subcontractor(s) or equipment unless the recipient has clearly stated in the solicitation documents that the failure to list shall render a bid non-responsive and *[shall]* cause rejection of a bid; **and**

*[J. The recipient is encouraged though not required to use the model specification clauses developed by the department; and]*

*[K.J.]* Departmental concurrence with contract award must be obtained prior to actual contract award. Recipients shall notify the department in writing of each proposed construction contract which has an aggregate value over the one hundred **fifty** thousand dollars *[(/\$ 100,000)] (\$150,000)*. The recipient shall notify the department within ten (10) calendar days after the bid opening for each construction sub agreement. The notice shall include:

(I) Proof of advertising;

(II) Tabulation of bids;

(III) The bid proposal from the bidder that the recipient wishes to accept, including justification if the recommended successful bidder is not also the lowest bidder;

(IV) Recommendation of award;

(V) Any addenda not submitted previously and bidder acknowledgment of all addenda;

(VI) Copy of the bid bond or bid guarantee;

(VII) One (1) set of as-bid specifications;

(VIII) Suspension/Debarment Certification;

(IX) Certification that the recipient has the necessary funds to complete the project if bids exceed available *[loan]* CWSRF funding;

(X) MBE/WBE Worksheet;

(XI) Recipient's statement that proposed contractor(s) positive efforts, MBE/WBE utilization, or both, have been reviewed and meet regulatory requirements; *[and]*

(XII) Site certification, if not previously submitted~~./~~; **and**

**(XIII) Certification of Non-segregated Facilities.**

*[(20)](19)* Changes in Contract Price or Time. The contract price or time may be changed only by a change order. The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by the methods set forth in the following:

(A) Unit Prices.

1. Original bid items. Unit prices previously approved are acceptable for pricing changes of original bid items. However, when changes in quantities exceed fifteen percent (15%) of the original bid quantity and the total dollar change of that bid item is greater than twenty-five thousand dollars (\$25,000), the recipient shall review the unit price to determine if a new unit price should be negotiated.

2. New items. Unit prices of new items shall be negotiated;

(B) A lump sum to be negotiated; and

(C) Cost Reimbursement. The actual cost for labor, direct overhead, materials, supplies, equipment, and other services necessary to complete the work plus an amount to cover the cost of general overhead and profit.

*[(21)](20)* Progress Payments to Contractors.

(A) It is the commission's policy that recipients should make prompt progress payments to prime contractors and prime contractors should make prompt progress payments to subcontractors and suppliers for eligible construction, supplies, and equipment costs.

1. For purposes of this section, progress payments are defined as follows:

A. Payments for work in place; and

B. Payments for materials or equipment which have been delivered to the construction site or which are stockpiled in the vicinity of the construction site in accordance with the terms of the contract, when conditional or final acceptance is made by or for the

recipient. The recipient shall assure that items for which progress payments have been made are adequately insured and are protected through appropriate security measures.

(B) Appropriate provisions regarding progress payments must be included in each contract and subcontract.

(C) Retention from Progress Payments. The recipient may retain a portion of the amount otherwise due the contractor. The amount the recipient retains shall be in accordance with section 34.057, RSMo.

**[(22)](21) Classification of Costs.** The information in this section represents policies and procedures for determining the eligibility of project costs for assistance under programs supported by this regulation **and 40 CFR part 35 subpart I, including Appendix A.**

(A) General. All project costs will be eligible if they meet the following tests:

1. Reasonable and cost effective;
2. Necessary for the construction of an operable wastewater facility **and other projects, as defined in the Federal Water Pollution Control Act as amended**, including required mitigation; and

3. Meet the eligibility limitations of the Federal Water Pollution Control Act as amended.

(B) Eligible Costs. Eligible costs include, at a minimum:

1. Engineering services and other services incurred in planning and in preparing the design drawings and specifications for the project. *[These services and their related expenses can be reimbursed based on actual invoices to be submitted after loan closing.]* For invoice reimbursement, the department must have a copy of the executed engineering contract for planning and design of the project;

2. The cost *[of subagreements]* incurred pursuant to a contract for building those portions of the project which are for treatment of wastewater, correction of I/I, or for new interceptor sewers. **These costs include change orders within the allowable scope of the project and the costs of meritorious contractor claims for increased costs under sub agreements;**

3. The reasonable cost of engineering services incurred during the building and initial operation phase of the project to ensure that it is built in conformance with the design drawings and specifications. A registered professional engineer licensed in Missouri or a person under the direction and continuing supervision of a registered professional engineer licensed in Missouri must provide inspection of construction for the purpose of assuring and certifying compliance with the approved plans and specifications. Eligible construction phase and initial operation phase service are limited to—

- A. Office engineering;
- B. Construction surveillance;
- C. Stakeout surveying;
- D. As-built drawings;
- E. Special soils/materials testing;
- F. Operation and maintenance manual;

- G. Follow-up services and the cost of start-up training for operators of mechanical facilities constructed by the project to the extent that these costs are incurred prior to this department's final inspection. Costs shall be limited to on-site operator training tailored to the facilities constructed or on- or off-site training may be provided by the equipment manufacturer if this training is properly procured;

- H. User charge and sewer[-] use ordinance; and
- I. Plan of operation;

4. Demolition costs. The reasonable and necessary cost of demolishing publicly owned WWTF's which are no longer utilized for wastewater collection, transportation, or treatment purposes. The reasonable and necessary cost of demolishing privately-owned WWTF's which will be eliminated or replaced by a publicly-owned treatment works if the proposed elimination was addressed in the approved facility plan. Generally, these costs will be limited to the demolition and disposal of the structures, removal and disposal of

biosolids, final grading, and seeding of the site;

**15. Change orders and the costs of meritorious contractor claims for increased costs under sub agreements:**

**A. Within the allowable scope of the project;**

**B. Costs of equitable adjustments due to differing site conditions; and**

**C. Settlements, arbitration awards and court judgments which resolve contractor claims shall be allowable only to the extent that they are not due to the mismanagement of the recipient;**

**6. Costs necessary to mitigate only direct, adverse, physical impacts resulting from building of the treatment works;**

**7. The costs of site screening necessary to comply with environmental studies and facilities' plans or necessary to screen adjacent properties;**

**8. The cost of groundwater monitoring facilities necessary to determine the possibility of groundwater deterioration, depletion, or modification resulting from building the project;]**

**9.5. Equipment, materials, and supplies.**

A. The cost of a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations and laboratory items necessary to conduct tests required for plant operation.

B. Cost of shop equipment installed at the treatment works necessary to the operation of the works.

C. The costs of necessary safety equipment, provided the equipment meets applicable federal, state, local, or industry safety requirements.

D. The costs of mobile equipment necessary for the operation of the overall wastewater treatment facility, transmission of wastewater or sludge, or for the maintenance of equipment. These items include:

(I) Portable standby generators;

(II) Large portable emergency pumps to provide pump-around capability in the event of pump station failure or pipeline breaks; and

(III) Trailers and other vehicles having as their purpose the transportation, application, or both, of liquid or dewatered sludge or septage; *[and]*

**[(IV)]E. The cost of a reasonable inventory of [R/]replacement parts identified and approved in advance for new wastewater treatment facilities;**

**10. Costs of royalties for the use of or rights in a patented process or product with the prior approval of the department;]**

**11.6. Land or easements [when used as an integral part of the treatment process] required to complete the project. In order to be eligible for reimbursement, [L/]land must be purchased in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, P.L. 91- 646, as amended. Certification by the recipient of compliance under this Act is required;**

**12.7. The cost of I/I correction, other than normal maintenance costs, and treatment works capacity adequate to transport and treat I/I;**

**13.8. Purchase of a private wastewater system, provided the project will eliminate or upgrade the existing facilities. The purchase of a private wastewater system must be purchased in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, P.L. 91- 646, as amended. Certification by the recipient of compliance under this Act is required;**

**14. Force account work for construction oversight and engineering planning and design. If force account is used for planning and design, all engineering services during construction must be provided through force account;]**

**15.9. The cost of preparing [an] environmental [impact**

*statement if) documentation* required under 10 CSR 20-4.050;

[16.]10. Nonpoint source projects as identified in the most current Missouri Nonpoint Source Management Plan;

[17.]11. Construction permit application fees, costs of issuance, capitalized interest, and contracted project administration costs;

[18.]12. Debt service reserve deposits;

[19.]13. Collector sewers provided that they meet the requirements of either—

A. For major rehabilitation or replacement of collection sewers that are needed to assure the total integrity of the system; or

B. New collector sewers for existing communities where sufficient treatment capacity exists or adequate treatment will be available when collectors are completed;

[20.]14. Correction of combined sewer overflows;

[21.]15. House laterals if they lie within the public easement and will be maintained by the [loan] recipient; [and]

[22.]16. Storm water transport and treatment systems, and nonpoint source best management practices[.];

17. Third party costs, incurred under a contract, associated with preparing a fiscal sustainability plan;

18. Energy conservation projects that reduce energy consumption including energy efficient equipment and certain renewable energy facilities;

19. Water conservation projects that reduce demand for publicly-owned water treatment works including water meters, water efficient appliances, education programs, and incentive programs; and

20. Planning and assessments activities including asset management plans, capital improvement plans, integrated planning, long term control plans, water or energy audits, treatment works security and safety plans, or environmental management systems.

(C) Non-eligible costs include, but are not limited to:

[1. The cost of ordinary site and building maintenance equipment such as lawnmowers and snowblowers;

2. The cost of general purpose vehicles for the transportation of the recipient's employees;]

[3.]1. Costs [allowable] for the purposes in paragraphs [(22)(B)11.] (21)(B)6. and (21)(B)8. that are in excess of just compensation based on the appraised value or amount determined in condemnation;

[4.]2. Ordinary operating expenses of the recipient including salaries and expenses of elected and appointed officials, preparation of routine financial reports and studies, EIERA application fees, and the state operating permit fees or other such permit fees necessary for the normal operation of the constructed facility;

[5.]3. Preparation of applications and permits required by federal, state, or local regulations or procedures;

[6.]4. Administrative, engineering, and legal activities associated with the establishment of special departments, agencies, commissions, regions, districts, or other units of government;

[7.]5. Personal injury compensation or damages arising out of the project;

[8.]6. Fines and penalties due to violations of, or failure to comply with, federal, state, or local laws, regulations, or procedures;

[9.]7. Costs outside the scope of the approved project;

[10.]8. Costs for which grant or loan payments have been or will be received from another state or federal agency; and

[11.]9. Force account work [except that listed in paragraph (22)(B)14.; and].

[12. Costs associated with acquisition of easements and land except that listed in paragraph (22)(B)11., unless and until Congress determines otherwise.]

[(23)](22) Operation and Maintenance.

(A) Operation and Maintenance Manual. The recipient must make provision satisfactory to the department for assuring effective opera-

tion and maintenance of the constructed project throughout its design life. If required by the department, recipients of assistance for construction of mechanical facilities must develop an operation and maintenance manual. The operation and maintenance manual, if required, must be submitted by eighty percent (80%) construction completion.

(B) Start-Up Training. At fifty percent (50%) construction completion, a start-up training proposal (if required) and proposed follow-up services contract must be submitted. This contract must be approved by ninety percent (90%) construction completion.

(C) Wastewater Operator. The recipient must make provision satisfactory to the department for assuring that qualified wastewater operator and maintenance personnel are hired in accordance with an approved schedule. Qualified personnel shall be those meeting the requirements established under 10 CSR 20-9.020.

[(24)](23) Retention of Records. [This section describes the minimum record retention requirements for recipients of financial assistance.]

[(A) Construction-Related Activities.] The recipient must retain all [financial, technical, and administrative] records [related to the planning, design, and construction of the project for a minimum period of four (4) years following receipt of the final construction payment from the associated financial assistance or the recipient's acceptance of construction, whichever is later. Records shall be available to state, federal officials, or both, for audit purposes during normal business hours during that period.] according to the retention schedules established by chapter 109, RSMo. A longer retention period may be required under the loan documentation.

[(B) Post-Construction Financing Activities. The recipient must retain all financial and administrative records related to post-construction project financing for a minimum period of four (4) years following full repayment of any assistance on the project.]

[(25)](24) Conflict of Interest. No employee, officer, or agent of the recipient shall participate in the selection, award, or administration of a sub agreement supported by state or federal funds if a conflict of interest, real or apparent, would be involved.

(A) This conflict would arise when—

1. Any employee, officer, or agent of the recipient, any member of their immediate families or their partners have a financial or other interest in the firm selected for a contract; or

2. An organization which may receive or has been awarded a sub agreement employs, or is about to employ, any person under paragraph [(25)] (24)(A)1.

(B) The recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of substantial monetary value from contractors, potential contractors, or other parties to sub agreements.

(25) Disposition of Treatment Works. The recipient must receive the written consent of the department prior to the disposal of the wastewater treatment works or any material part thereof financed or refinanced with the proceeds of a loan.

(A) If at any time during the term of the loan a recipient desires to sell, lease, mortgage, or otherwise dispose of the wastewater treatment works or any part thereof, the recipient shall abide by the provisions for disposal as contained in the recipient's loan documentation between the recipient and the department. Disposition of treatment works to entities not listed in subsection (7)(A) of this rule will require immediate repayment of assistance.

(B) Once loan repayment is complete, ownership of facilities, equipment, and real property purchased under the program with a current value in excess of five thousand dollars (\$5,000) may be transferred only with written permission of the department.



(C) If at any time within thirty (30) years after initiation of operations of the project, the wastewater treatment works funded with a CWSRF grant, or any part thereof, is sold, either outright or on contract for deed, to other than a political subdivision of the state, the state shall receive reimbursement of the grant funds. The total amount of grant funds to be reimbursed shall be based on a thirty (30) year straight-line depreciation based on the original costs of the facilities being sold and adjusted for the percentage of grant funds originally disbursed to fund such facilities. Grant funds to be reimbursed shall become due and payable upon transfer of ownership.

(26) Procurement of Design-Build Services. The procurement of design-build services shall be in accordance with section 67.5060, RSMo. Recipients that are exempt from section 67.5060, RSMo, may also utilize design-build services if local ordinances or policies allow design-build and the procurement of the design-build team considers both the qualifications of the team and the project selected meets the cost effectiveness requirements of subsection 10(B). Recipients seeking funds for a project utilizing design-build services must notify the department with the recipient's CWSRF application. Recipients that utilize design-build services shall coordinate procurement activities with the department to ensure compliance with CWSRF requirements. The department may restrict the amount of funding available for projects using design-build services, if needed to comply with federal law and regulations.

(27) Plan of Study. Facility planning loans, not to exceed a five (5) year repayment term, or grants may be provided by the commission to applicants with an existing publicly owned wastewater system. Applicants that desire to receive a loan for facility planning must submit a plan of study. The plan of study should include the following information (generally in fifteen pages or less):

(A) Maps of the planning area showing boundaries, political jurisdictions, river basins and surface water bodies, and service areas of existing wastewater treatment facilities; NPDES permits; the existing population; a brief description of existing wastewater facilities; and the communities and major industries served;

(B) The agencies and jurisdictions involved in the planning. Include any joint resolutions or agreements among jurisdictions that designate a lead agency or official to serve as applicant;

(C) The nature and scope of planning, including a description of the need for the project, and facilities planning tasks and schedule; and,

(D) An itemized description of costs to complete tasks and an estimate of total cost for the facility plan.

(28) Fiscal Sustainability Plan. A fiscal sustainability plan as established in section 603(d)(1)(E) of the Federal Water Pollution Control Act, shall be prepared by the recipient receiving a loan for a treatment works repair, replacement, or expansion. For purposes of this paragraph "loan" does not include an agreement where the department is purchasing an obligation (e.g. municipal bonds) from the recipient.

#### (29) Intended Use Plan

(A) The priority point criteria will be published in draft form annually and be adopted by the commission after a public comment period has been conducted. The adopted priority point criteria will be published on the department's website.

(B) Priority Lists. Each year, following a public hearing, the commission shall establish priority lists for using future anticipated state and federal funding allocations. These lists shall contain at a minimum several parts, as described in subsections (B)1. through (B)4. of this rule. These lists shall become effective annually with the adoption of the Intended Use Plan. However, the commission may bypass projects on these lists for failure to proceed to grant award or loan closing in an expeditious manner.

1. Fundable List. The commission may establish one or more fundable priority lists which identify those projects which meet the readiness to proceed criteria. The commission may specify fund allocations across multiple fundable priority lists in order to distribute available funds statewide and meet CWSRF program goals. Projects will be listed in priority point order within each fundable list.

2. Fundable Contingency Priority List. The fundable contingency priority list identifies those projects meeting the readiness to proceed criteria, however, there are insufficient available funds. Projects will be listed in priority point order regardless of the date which the readiness to proceed criteria are met.

3. Contingency Priority List. The contingency priority list identifies those projects which may be considered for funding during a given fiscal year if the applicant secures an acceptable debt instrument. Projects will not be considered for the contingency priority list unless a complete facility plan has been submitted for review.

4. Planning List. The planning list identifies all potentially eligible grant or loan projects not contained on a fundable or contingency priority list. Planning list projects may advance to the contingency or fundable lists, with commission approval, upon meeting the readiness to proceed criteria.

(C) Modifications. After the commission adopts the Intended Use Plan, it may modify the priority lists or redistribute the available funds in accordance with subsections (C)1. through (C)4. of this rule. The commission may only take this action after providing notice to those projects directly affected.

1. Inadequate Allocations. If the actual funding is less than the allocations anticipated by the commission in the development of the Intended Use Plan, or if previous allocations are reduced, the commission may find it necessary to reduce their commitments to projects on the fundable lists. The commission may take formal action to reduce the number of commitments in accordance with paragraphs (C)1.A. through (C)1.C. of this rule.

A. The commission may reduce the amount of funds allocated to each purpose as shown in the Intended Use Plan.

B. The commission may remove the lowest priority projects from the fundable priority lists, placing these projects on the appropriate contingency priority list in a position dictated by their priority relative to others on that contingency priority list.

C. The commission may bypass projects on the fundable priority lists in accordance with subsection (C)3. of this rule.

2. Unanticipated and Uncommitted Funds. If unanticipated or uncommitted funds become available, the commission may take formal action to distribute them in accordance with paragraphs (C)2.A. through (C)2.C. of this rule.

A. The commission may use the unanticipated or uncommitted funds to move the highest priority project(s) from contingency priority list to the proper fundable priority list.

B. The commission may use the unanticipated or uncommitted funds to increase the amount of funds allocated to the various purposes as shown in the Intended Use Plan.

C. The commission may use the unanticipated or uncommitted funds to increase the amount of funds allocated to projects on the fundable priority list or to provide increased assistance to projects which have already received assistance.

3. Project Bypass. The commission may bypass any project on the fundable priority list which is not, in the commission's opinion, making satisfactory progress in satisfying requirements for assistance. Bypassed projects will be removed from the fundable priority list and placed on the proper contingency priority or planning list in a position dictated by the commission. In determining whether a project is making satisfactory progress in satisfying the requirements for assistance, the commission shall use the criteria contained in paragraphs (C)3.A. through (C)3.C. of this rule. The commission may reinstate any bypassed projects on the fundable priority lists after first giving notice to applicants for those projects on the contingency lists of the commission's



intent to reinstate bypassed projects. Funds released through project bypass will be considered uncommitted and available for distribution in accordance with subsection (C)2. of this rule.

A. Any project on the fundable lists may be bypassed if the applicant fails to submit all documents required for assistance at least sixty (60) days prior to the quarter for which assistance is anticipated.

B. The commission may use individual project schedules developed by the department to determine whether a project on the current fundable list is making satisfactory progress at those times during the fiscal year.

C. Carryover projects may be automatically bypassed if they do not have all documents required for assistance submitted three (3) months before the end of the federal fiscal year in which their application expires.

4. Project Removal. The department will remove projects from the contingency, fundable, or planning lists if they meet any one (1) of the criteria stated in paragraphs (C)4.A. through (C)4.E. of this rule.

A. The department will remove a project if it has received one (1) or more funding commitments necessary to cover the estimated project cost or has been fully funded by other funding sources.

B. The department will remove a project if it is determined to be ineligible for funding.

C. The department will remove projects from these lists if directed by commission action under subsections (C)1. or (C)3. of this rule.

D. The department will remove projects from these lists if directed to do so by the Environmental Protection Agency in accordance with federal law.

E. The department will remove a project from these lists at the request of the applicant.

*AUTHORITY: sections 644.026 [and], 644.101, and 644.121, [RSMo 2000 and section 644.101,] RSMo [Supp. 2009] 2016. Original rule filed Sept. 13, 1988, effective Feb. 14, 1989. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to fac@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for the Clean Water Commission to be held at 10 a.m. on August 15, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring/Roaring River Conference Rooms, 1730, East Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants and Loans**

**PROPOSED AMENDMENT**

**10 CSR 20-4.041 Direct Loan Program.** The department is replacing “state revolving fund” with “Clean Water State Revolving Fund”

in the purpose statement; rewording and amending to reference new amendment of 10 CSR 20-4.040 in section (1); adding “Clean Water” to “State Revolving Fund” and adding “CW” to “SRF” in two sections of (2), and adding “or other funds” to indicate funding of direct loans; amending section (3) and adding “Clean Water” to “State Revolving Fund”, adding provisions from 10 CSR 20-4.040 that do not apply to direct loans to clarify the language, removal of eligibilities and proposals to Missouri Water and Wastewater Review Committee; removal of content and addition of reference to 10 CSR 20-4.040 will be followed and application process of direct loan in section (4); removal of (A) and (B) in section (5) with the addition of the use of target interest rate (TIR) under section (4) of 10 CSR 20-4.040; removal of “Construction Loans” and (A)–(C), renumbering of (D) to (A) with rewording and removal of construction reference, changing reference due to amendment, and numbering of (E) to (B); removal of (A) 1.–4., (B) in (7) and reference to population, amending of (A) with changes to reference in this rule and addition of escrow agreement statement, addition of (A)–(D); removal of rule (8); renumbering (9) to (8) in two (2) areas of this rule along with amending rule, amending (A) of this section with the addition of 1.–3. explaining amortization schedules, amending (B) and (C) of this section, and removing (E) of this section; renumbering (10) to (9) and amending rule along with the addition of clarifying loan fees; renumbering (11) to (10) with amendment to reference 10 CSR 20-4.040 (6); renumbering (12) to (11) with the addition of EIERA for the authority to make specific refinements.

*PURPOSE: The amendment revises the purpose of the rule, removes inconsistencies between this rule and 10 CSR 20-4.040, clarifies provisions of 10 CSR 20-4.040, and incorporates requirements from the Federal Water Pollution Control Act.*

*PURPOSE: This rule sets forth the requirements for implementation of direct loan programs to be financed through the Clean Water [s]State [r]Revolving [f]Fund program contained in 10 CSR 20-4.040 or the State Direct Loan Program.*

(1) General. The department may make direct loans by purchasing the general obligation bonds, revenue bonds, short-term notes, or other acceptable obligation of any qualified applicant for the planning, design and/or construction of an eligible project. These loans shall not exceed the total eligible project costs as described in 10 CSR 20-4.040(23)(21) less any amounts financed by *[any] other means [other than through the applicable direct loan program]*.

(2) **Clean Water** State Revolving Fund (CWSRF) Direct Loans. Funding for these loans is from CWSRF loan repayments *[or]*, federal capitalization grants, **or other funds**. The provisions and requirements of the **Clean Water** State Revolving Fund General Assistance Regulation, 10 CSR 20-4.040, apply to loans awarded under this regulation.

(3) State Direct Loan Program. Funding for these loans is from state bond funds **and loan repayments**. The provisions and requirements of the **Clean Water** State Revolving Fund General Assistance Regulation, 10 CSR 20-4.040, apply to loans awarded under this regulation unless specifically provided for herein. *[In addition to those eligible items specified in 10 CSR 20-4.040, loans made under this program may incorporate as an eligible project cost: easements, rights-of-way and land acquisition integral to the project. Eligibility shall be limited to fair market value. Applicants must have submitted a preliminary project proposal to the Missouri Water and Wastewater Review Committee (MWWRC) and received an invitation from the MWWRC to apply for financial assistance.] The following provisions of 10 CSR 20-4.040 do not apply:*

**(A) 10 CSR 20-4.040(3) except for (A)2.;**

- (B) 10 CSR 20-4.040(7);
- (C) 10 CSR 20-4.040(9)(A)3.;
- (D) 10 CSR 20-4.040(9)(B);
- (E) 10 CSR 20-4.040(11)(B)2.;
- (F) 10 CSR 20-4.040(14);
- (G) 10 CSR 20-4.040(17)(I);
- (H) 10 CSR 20-4.040(17)(J);
- (I) 10 CSR 20-4.040(17)(N);
- (J) 10 CSR 20-4.040(18)(B)2.K.(XIII);
- (K) 10 CSR 20-4.040(28); and
- (L) 10 CSR 20-4.040(29).

(4) *[Letter of Intent. The department may issue a letter of intent to make a direct loan when the application documents are approved and the commission approves the project for receipt of loan funds. The letter of intent shall state the amount of funds reserved for the project, the requirements to qualify for receipt of loan funds and the schedule for the applicant to meet all requirements. The department may terminate this letter of intent for failure to meet the schedule requirements or conditions of the letter of intent. The amount of assistance stated in the letter of intent may be adjusted to reflect actual costs, subject to commission approval and the availability of funds.] Funding Allocation.*

(A) **CWSRF Direct Loans.** The department will follow 10 CSR 20-4.040.

(B) **State Direct Loans.** After receiving applications and the department determines that the application is complete and eligible, the department will take the application before the Clean Water Commission for allocation of funding.

(5) **Interest Rates.**

*[(A) The interest rate charged by the department on direct loans shall be equal to the target interest rate calculated] The department will use the target interest rate (TIR) policy as established by the commission under section (4) of 10 CSR 20-4.040. [Interest on construction loans will begin accruing on the last day of the month in which a construction advance is made and will be compounded at the end of each month after that until such time as the construction loan along with all interest accrued is paid in full.]*

*[(B) Direct loans provided as a match to the Hardship Grant Program as provided for in 10 CSR 20-4.043 shall have a zero percent (0%) interest rate.]*

(6) **[Construction Loans] Reimbursement Terms.**

*[(A) The department may award construction loans to qualified applicants in order to provide interim financing during construction of their project. Construction loans may contain clauses and provisions determined by the department to be necessary to protect the interests of the state.*

*(B) With exception of substate revolving funds, the construction loan will remain in force throughout the construction period. However, it must be paid in full no later than six (6) months following the initiation of operation of the facility constructed by the project or the closing deadline provided in the construction loan agreement, whichever is earlier.*

*(C) If the department is to provide long term financing under this rule, then the construction loan must contain an agreement by the department and the recipient that the department will purchase the recipient's general obligation, revenue bonds or other acceptable debt obligation after construction is completed. If a construction loan is awarded, the permanent financing amount will be limited in amount to the sum of the payments drawn from the construction loan for eligible project costs plus interest accrued on the construction loan plus the reasonable costs of issuance which can be financed under Missouri statutes.]*

*[(D)](A) [Unless specifically addressed in the loan documents, the recipient may request construction loan payments no more often than monthly.] The maximum [construction advance shall] reimbursement will be no more than the sum of all eligible costs incurred to date. Each payment request shall include the information listed in the following paragraphs [(4)/(D)](6)(A)1.-3. and other information deemed necessary by the department to insure proper project management and expenditure of public funds:*

1. Completed reimbursement request form;
2. Construction pay estimates signed by the construction contractor, the recipient, and the *[resident inspector]* consulting engineer, if applicable; and
3. Invoices for other eligible services, equipment, and supplies for the project.

*[(E)](B) If the department is satisfied that the payment request accurately reflects the eligible cost incurred to date on the project, the department will request that [a] state payment [check] be issued to the recipient.*

(7) **Trustee or Paying Agent.**

*[(A)] The department may require the recipient to contract with a trustee or paying agent to provide [all or part of] the services listed in [the following paragraphs] subsections (7)(A)[1.-4.]-[(D) of this rule]. The department may require recipients of less than thirty thousand (30,000) service area population to use the services of the trustee, to—], along with other such services as detailed in the participant's escrow agreement.*

*[1. Make joint assistance payments to the recipients and their contractors;*

*2. Ensure that payments are only released to those recipients whose contractors have a project contract approved by the department;*

*3. Ensure that none of the recipient's contractors receive more in assistance payments than approved by the department; and*

*4. Maintain financial records of credits and debits for the construction project.*

*(B) If a SRF or state direct loan is matched with a grant awarded under 10 CSR 20- 4.023, the maximum loan amount will be calculated as follows: grant amount divided by four-tenths (.4) less the grant amount plus approved costs of issuance and capitalized interest, as appropriate.]*

*(A) Maintain separate trust funds and accounts for recipients;*

*(B) Disburse funds to recipients;*

*(C) Collect principal and interest quarterly payments from recipients; and*

*(D) Provide monthly financial reports to recipients.*

*[(8) Purchase of Obligations. The department shall purchase revenue bonds, general obligation bonds or other acceptable debt obligations from the recipient no later than six (6) months following initiation of operation of the facilities constructed by the project or by the closing deadline contained in the construction loan agreement, whichever is earlier. In addition to the requirements of this rule, the department may require the recipient to include those assurances and clauses in the loan agreements and bond resolutions as deemed necessary to protect the interest of the state.]*

*[(9)](8) Amortization Schedules. The guidelines contained in the following subsections [(9)](8)(A)-(E) are to be used to establish amortization schedules [for obligations purchased] under this rule:*

*(A) For recipients of a state direct loan, [7]the bonds, notes, or other [debt] obligations shall be fully amortized [in no more than twenty (20)] for a period not longer than thirty (30) years after initiation of operation[;]. For CWSRF direct loan recipients, the bonds, notes, or other obligations shall be fully amortized for a period not longer than the earlier of:*

1. Thirty (30) years after initiation of operation;
2. The economic useful life of the project; or
3. Such other period of time that the department determines is appropriate and in the best interest of the CWSRF program.

(B) The principal payment frequency [on any debt obligations] shall be no less than annual [with the first payment no later than one (1) year after the initiation of operation] and at least semi-annual for interest payments;

(C) The amortization schedule may either be straight-line or declining schedules for the term of the [debt] obligation. The department may approve an alternative amortization method if deemed appropriate;

(D) Repayment of principal shall begin not later than one (1) year after initiation of operation/; and/.

[(E) If at any time during the loan period the facility(ies) financed under this rule is sold, either outright or on contract for deed, to another than a political subdivision of the state, the loan becomes due and payable upon transfer.]

[(10)](9) Loan Fees. The department may charge annual loan fees not to exceed one-half percent (.5%) [of the outstanding loan balance of each loan. Those fees are intended to reimburse the department for the cost of loan origination, loan servicing and administration of the program.] for state direct loans. CWSRF direct loan recipients will be charged a fee on the loan in accordance with 10 CSR 20-4.040(5).

[(11)](10) Additional Administrative Fees Allowed. Additional administrative fees may be assessed by the department at the time the administration fee is calculated [for failure by a recipient to submit approved documents to the department (for example, operation and maintenance manuals, plan of operation, enacted user charge and sewer use ordinances and executed contract documents) in accordance with the time frames provided under the program agreement entered into by the recipient. The additional fee will be an additional one-tenth percent (.1%) per month that the document remains delinquent. The additional fee will be collected only during the year in which the document is not submitted] in accordance with 10 CSR 20-4.040(6).

[(12)](11) Variations of Structure Permitted. This rule sets out the general format for the direct loan programs. The commission, EIARA, and the department shall have the authority to make specific refinements, variations, or additional requirements as may be necessary or desirable in connection with the efficient operation of the direct loan program.

**AUTHORITY:** sections 644.026 and 644.122, RSMo [Supp. 1998] 2016. Original rule filed Sept. 13, 1988, effective Feb. 14, 1989. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for the Clean Water

Commission to be held at 10 a.m. on August 15, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring/Roaring River Conference Rooms, 1730, East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants and Loans**

**PROPOSED RESCISSION**

**10 CSR 20-4.042 Leveraged Loan Program.** This rule set forth the requirements for implementation of a leveraged loan program to be financed through a combination of the Water and Wastewater Loan Fund or the Wastewater Revolving Loan Fund administered by the commission and funds made available from the proceeds of revenue bonds issued by the Environmental Improvement and Energy Resources Authority or the recipient. The leveraged loan program was designed to provide low interest loans to recipients to finance the planning, design and construction of wastewater treatment facilities.

**PURPOSE:** The purpose of this rescission is to rescind the Leveraged Loan Program which is no longer utilized. The rule supported a historic financial structure of the CWSRF program and the leveraged loans are no longer awarded nor are they anticipated in foreseeable future.

**AUTHORITY:** section 644.026, RSMo Supp. 1993. Original rule filed Sept. 13, 1988, effective Feb. 14, 1989. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for the Clean Water Commission to be held at 10 a.m. on August 15, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring/Roaring River Conference Rooms, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 4—Grants and Loans**

**PROPOSED AMENDMENT**

**10 CSR 20-4.050 Environmental Review.** The department is restructuring the order and titles of the sections within this rule to be consistent with 60-13.030 (Environmental Review for Drinking Water); amending the purpose of the rule; amending section (1) with minor grammatical corrections; amending and renumbering section (1)(A) for clarification and to include a new criteria, (2)(A)1.C., which allows categorical exclusions for structures located within previously disturbed rights-of-way; moving (1)(B) to new section (6);

amending and renumbering sections (1)(C) (2) and (3) to replace the term “applicant with “recipient,” delete the requirement for recipients to submit three copies of information, clarify the contents of an Environmental Information Document, remove the requirement for a recipient to obtain a verbatim transcript of public meetings and remove the requirement for recipients to publish environmental determinations in a local newspaper; and adding a new section (7) to allow the department to accept environmental reviews from other agencies.

*PURPOSE: The amendment includes new language for the purpose statement, updates the current language that establishes the requirements for an environmental review, and removes duplicative language.*

*[PURPOSE: As required by the provisions of Section 602(b)(6) of the Federal Clean Water Act, the department will conduct an interdisciplinary environmental review consistent with the National Environmental Policy Act of the project proposed for funding through the State Revolving Fund. This rule establishes the procedures for these environmental reviews.*

*Editor’s Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.]*

**PURPOSE:** *This rule establishes procedures and requirements for environmental reviews for assistance from the Clean Water State Revolving Fund program.*

(1) General. The **purpose of the** environmental review *[will]* is to ensure that the project will comply with *[the]* applicable local, state, and federal laws and *[commission]* rules relating to the protection and enhancement of the environment. Based upon the staff’s review, the director *[of staff]* will make formal determinations regarding the potential social and environmental impacts of the proposed project. As necessary, the determination will include mitigative provisions as a condition of the provision of financial assistance for *[building and]* **construction**. *[n]*No financial assistance will be provided until a final environmental determination has been made. Nothing in *[these]* **this rule[s]** shall prohibit any public, private, or governmental party from seeking administrative or legal relief from the determinations of the director *[of staff]*.

*[(A)](2)* Basic Environmental Determinations. There are three (3) basic environmental determinations that will apply to projects proposed to be implemented with assistance from the fund. *[These are a determination to categorically exclude a project from a formal environmental review, a finding of no significant impact/environmental assessment (FNSI/EA) based upon a formal environmental review and a determination to provide or not provide financial assistance based upon a record of decision (ROD) following the preparation of an environmental impact statement (EIS). The appropriate determination will be based on the following criteria:]*

**[1.](A) Categorical Exclusion.** The categorical exclusion (CE) determination applies to categories of projects that have been shown over time not to entail significant impacts on the quality of the human environment.

**[A.]1.** Projects which meet *[either]* **any** of the following criteria may be categorically excluded from formal environmental review requirements:

*[(I)]A.* The project is directed solely toward minor rehabilita-

tion of existing facilities, functional replacement of equipment, or toward the construction of related facilities adjoining the existing facilities that do not affect the degree of treatment or the capacity of the works. Examples include infiltration and inflow correction, rehabilitation of existing equipment and structures, and the construction of small structures on existing sites; *and]*

*[(III)]B.* The project is in a community of less than ten thousand (10,000) population and is for minor expansions or upgrading of existing treatment works or on-site disposal systems are proposed~~/.];~~ **or**

**C. New underground sewer lines or conveyance structures located entirely in existing rights-of-way that have been previously disturbed and supported by appropriate documentation to verify rights-of-way location(s) and type(s) of previous disturbance.**

**[B.]2.** CEs will not be granted for projects that entail—

*[(I)]A.* The construction of new collection lines **located outside existing rights-of-way;**

*[(III)]B.* A new discharge or relocation of an existing discharge;

*[(III)]C.* An increase of more than thirty percent (30%) in the volume or loading of pollutants;

*[(IV)]D.* Provision of a capacity for a population thirty percent (30%) or greater than the existing population;

*[(V)]E.* Known or expected impacts to cultural resources, threatened or endangered species, or other environmentally sensitive areas; and

*[(VI)]F.* The construction of facilities that are known or expected to be not cost-effective or are likely to cause significant public controversy~~];~~.

**[2.](B) Finding of No Significant Impact/Environmental Assessment (FNSI/EA).** The FNSI/EA will be based upon an environmental review by the staff supported by an environmental information document (EID) prepared by the *[applicant]* **recipient** in conformance with guidance developed by the *[commission]* **department**. If a FNSI/EA is not appropriate, a public notice noting the preparation of an **environmental impact statement (EIS)** will be required. The director’s *[of staff’s]* issuance of a FNSI/EA will be based upon documentation that the potential environmental impacts will not be significant or that they may be mitigated without extraordinary measures~~]; and]~~.

**[3.](C) Record of Decision The Record of Decision (ROD)** may only be based upon an EIS in conformance with the format and guidelines described in subsection *[(2)](4)(C)*. An EIS will be required when the director of staff determines any of the following:

**[A.]1.** The project **will** significantly *[will]* affect the pattern and type of land use or growth and distribution of the population;

**[B.]2.** The effects resulting from any structure or facility constructed or operated under the proposed action may conflict with local or state land use plans or policies;

**[C.]3.** The project may have significant adverse impacts upon—

*[(I)]A.* Wetlands;

*[(III)]B.* Floodplains;

*[(III)]C.* Threatened and endangered species or their habitats;

*[(IV)]D.* Cultural resources including park lands, preserves, other public lands, or recognized scenic, recreational, *[prime farmlands,]* archeological, or historic value; and

*[(V)]E.* Prime farmland;

**[D.]4.** The project will displace populations or significantly alter the characteristics of existing residential areas; and

**[E.]5.** The project directly or indirectly (for example, through induced development) may have significant adverse effect upon local ambient air quality, local noise levels, surface and groundwater quantity or quality, fish, shellfish, wildlife, or their natural habitats.

**[(B) Other Determinations That Are Required of the Director of Staff.**

**1. Recognizing that a project may be altered at some time after an environmental determination on the project has been issued, the director of staff will provide that, prior to**

approval, the plans and specifications, loan application and related documents will be examined for consistency with the environmental determination. If inconsistencies are found, the director of staff may revoke a CE and require the preparation of an FNSI/EA or an EIS, consistent with the criteria of subsection (1)(A) of this rule, or require the preparation of amendments to an FNSI/EA or supplements to an EIS, as appropriate. Based upon the staff's review of the amended project, the director of staff will—

A. Reaffirm the original environmental determination through the issuance of a public notice or statement of finding;

B. Issue a FNSI for a project for which a CE has been revoked or issue a public notice that the preparation of an EIS will be required;

C. Issue an amendment to a FNSI/EA or revoke a FNSI and issue a public notice that the preparation of an EIS will be required; or

D. Issue a supplement to a ROD or revoke a ROD and issue a public notice that financial assistance will not be provided.

2. When five (5) or more years have elapsed between the last environmental determination and the submittal of an application to the fund, the director of staff will reevaluate the project, environmental conditions and public views and, prior to approval of the application, proceed in accordance with subsection (3)(A).]

[(C) Other Determinations That Are Available to the Commission.]

### (3) Construction Prior to Environmental Review.

[1.](A) [An applicant] A recipient may request advance authority to construct part of the proposed [wastewater treatment] project prior to completion of the necessary environmental review when the part of the project will—

[A.]/1. Remedy a severe public health, water quality or environmental problem immediately;

[B.]/2. Not preclude any reasonable alternatives identified for the complete system;

[C.]/3. Not cause significant direct or indirect environmental impacts including those which cannot be acceptably mitigated without completing the entire project; and

[D.]/4. Not be highly controversial.

[2.](B) Based upon the review of the information required by section [(2)] (4) of this rule, the director [of staff] will issue a FNSI/EA so conditioned as to prohibit construction of the remainder of the project until a complete environmental review has been performed and a subsequent environmental determination has been issued.

[(2)](4) Environmental Information Required [by the Commission. A minimum of three (3) copies of all information required in this section shall be submitted to the commission] for Environmental Review.

(A) [Applicants] Recipients seeking a CE will provide the director [of staff] with sufficient documentation to demonstrate compliance with the criteria of subsection [(1)](2)(A). At a minimum, this will consist of a—

1. Brief, complete description of the proposed project and its costs;

2. Statement indicating that the project is cost-effective and that the [applicant] recipient is financially capable of constructing, operating, and maintaining the facilities; and

3. Plan map(s) of the proposed project showing—

A. The location of all construction areas;

B. The planning area boundaries; and

C. Any known environmentally sensitive areas.

(B) An EID must be submitted by those [applicants] recipients whose proposed projects do not meet the criteria for a CE and for

which the director [of staff] has made a preliminary determination that an EIS will not be required. The director [of staff] will provide guidance on both the format and contents of the EID to potential [applicants] recipients prior to initiation of facilities planning.

1. At a minimum, the contents of an EID will include:

A. The purpose and need for the project;

B. Information describing [7]the current environmental setting of the project and the future [of the] environmental setting without the project;

C. The alternatives to the project as proposed;

D. A description of the proposed project;

E. The potential environmental impacts of the project as proposed including those which cannot be avoided;

F. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity;

G. Any irreversible and irretrievable commitments of resources to the proposed project;

H. Proposed mitigation measures to minimize the environmental impacts of the project;

[H.]/I. A description of public participation activities conducted, issues raised, and changes to the project which may be made as a result of the public participation process; and

[I.]/J. Documentation of coordination with appropriate governmental agencies.

2. Prior to the [applicant's] recipient's adoption of the facilities plan, the [applicant] recipient will hold a public meeting or hearing on the proposed project and the EID, and provide the director [of staff] with a [verbatim transcript] complete record of the meeting or hearing. [The director of staff will provide guidance to the applicant regarding the contents of the hearing notice and of the hearing.] The meeting or hearing will be advertised at least thirty (30) days in advance in a local newspaper of general circulation. [Concurrent with the advertisement, a notice of the public hearing and availability of the documents will be sent to all local, state and federal agencies and public and private parties that may have an interest in the proposed project.] Included with the [transcript] meeting record will be a list of all attendees with addresses, any written testimony and the [applicant's] recipient's responses to the issues raised.

[3. The department will provide copies of the FNSI/EA to all federal, state and local agencies and others with an interest in the project.]

(C) The format of an EIS will encourage sound analyses and clear presentation of alternatives, including the no-action alternative and the selected alternative and their environmental, economic, and social impacts. The following format must be followed by the [applicant] recipient unless the director [of staff] determines there are compelling reasons to do otherwise:

1. A cover sheet identifying the [applicant] recipient, the project(s), the program through which financial assistance is requested and the date of publication;

2. An executive summary consisting of a five to fifteen (5–15) page summary of the critical issues of the EIS in sufficient detail that the reader may become familiar with the proposed project and its cumulative effects. The summary will include:

A. A description of the existing problem;

B. A description of each alternative;

C. A listing of each alternative's potential environmental impacts, mitigative measures, and any areas of controversy; and

D. Any major conclusions;

3. The body of the EIS which will contain the following information:

A. A complete and clear description of the purpose and need for the proposed project that clearly identifies its goals and objectives;

B. A balanced description of each alternative considered by the [applicant] recipient. The descriptions will include the size and

location of the facilities and pipelines, land requirements, operation and maintenance requirements, and construction schedules. The alternative of no action will be discussed and the *[applicant's]* **recipient's** preferred alternative(s) will be identified. Alternatives that were eliminated from detailed examination will be presented with the reasons for their elimination;

C. A description of the alternatives available to the *[commission]* **department** including:

(I) Providing financial assistance to the proposed project;

(II) Requiring that the proposed project be modified prior to providing financial assistance to reduce adverse environmental impacts or providing assistance with conditions requiring the implementation of mitigative measures; and

(III) Not providing financial assistance;

D. A description of the alternatives available to other local, state, and federal agencies which may have the ability to issue or deny a permit, provide financial assistance or otherwise affect or have an interest in any of the alternatives;

E. A description of the affected environment and environmental consequences of each alternative including secondary and cumulative impacts. The affected environment on which the evaluation of each alternative will be based includes, as a partial listing, hydrology, geology, air quality, noise, biology, socioeconomic, land use, and cultural resources of the facilities planning area. The department will provide guidance, as necessary, to the *[applicant]* **recipient** regarding the evaluation of the affected environment. The discussion will present the total impacts of each alternative in a manner that will facilitate comparison. The effects of the no-action alternative must be included to serve as a baseline for comparison of the adverse and beneficial impacts of the other alternatives. A description of the existing environment will be included in the no-action section to provide background information. The detail in which the affected environment is described will be commensurate with the complexity of the situation and the significance of the anticipated impacts;

4. The draft EIS will be provided to all local, state, and federal agencies and public groups with an interest in the proposed project and be made available to the public for review. The final EIS will include all objections and suggestions made before and during the draft EIS review process along with the issues of public concern expressed by individuals or interested groups. The final EIS must include discussions of any comments pertinent to the project or the EIS. All commenters will be identified. If a comment has led to a change in either the project or the EIS, the reason should be given. The department will always endeavor to resolve any conflicts that may have arisen, particularly among permitting agencies, prior to the issuance of the final EIS. In all cases, the comment period will be no less than forty-five (45) days;

5. Material incorporated into an EIS by reference will be organized into a supplemental information document and be made available for public review upon request. No material may be incorporated by reference unless it is reasonably available for inspection by interested persons within the comment periods specified in paragraph *[(2)](4)(C)4.* and subparagraph *[(2)](4)(C)7.C.*;

6. When an EIS is prepared by contractors, either in the service of the *[applicant]* **recipient** or the department, the department will independently evaluate the EIS prior to issuance of the ROD and take responsibility for its scope and contents. The staff who undertake this evaluation will be identified under the list of preparers along with those of the contractor and any other parties responsible for the content of the EIS; and

7. The public participation required for an EIS is extensive but, depending upon the nature and scope of the proposed project, should be supplemented by the *[applicant]* **recipient**. The following requirements represent the minimum allowable:

A. Upon making the determination that an EIS will be required of a proposed project, the department will distribute a notice of intent to prepare an EIS;

B. As soon as possible after the notice of intent has been

issued, the director *[of staff]* will convene a meeting of the affected federal, state, and local agencies, the *[applicant]* **recipient** and other interested parties to determine the scope of the EIS. A notice of this scoping meeting may be incorporated into the notice of intent or prepared as in paragraph *[(2)](4)(B)2.* of this rule except that in no case will the notification period be less than forty-five (45) days. As part of the scoping meeting, the director *[of staff]* at a minimum will—

(I) Determine the significance of issues and analyze in depth the scope of those significant issues in the EIS;

(II) Identify the preliminary range of alternatives to be considered;

(III) Identify potential cooperating agencies and determine the information or analyses that may be needed from cooperating agencies or other parties;

(IV) Discuss the method for EIS preparation and the public participation strategy;

(V) Identify consultation requirement of other laws and regulations; and

(VI) Determine the relationship between the preparation of the EIS and the completion of the facilities plan and any necessary arrangements for coordination of the preparation of both documents; and

C. Following the scoping process, the director *[of staff]* will begin the identification and evaluation of all potentially viable alternatives to adequately address the range of issues developed in the scoping. A summary of this, including a list of the significant issues identified, will be provided to the *[applicant]* **recipient** and other interested parties. Preparation of the EIS will be done at the discretion of the *[commission]* **department**: directly, by the staff; by consultants to the *[commission]* **department**; or by a consultant contracted by the *[applicant]* **recipient** subject to approval by the *[commission]* **department**. In the latter two (2) cases, the consultant will be required to execute a disclosure statement prepared by the department signifying they have no financial or other conflicting interest in the outcome of the project. Both the draft EIS and final EIS will be distributed and made available for public review in a fashion consistent with the requirements of paragraph *[(2)](4)(B)2.* of this rule except that the advertisement and comment period for the public participation will be no less than forty-five (45) days. The department will publish in a newspaper of general circulation in the project area, a notice of availability of the EIS giving locations at which it will be available for public review at least forty-five (45) days prior to making any environmental determination.

#### *[(3)](5)* Environmental *[Review]* Determination.

(A) When the director *[of staff]* has determined that an *[applicant's]* **recipient's** proposed project may be excluded from a formal environmental review, the director *[of staff]* will prepare a *[public notice of the]* determination to categorically exclude the project *[and the availability of supporting documentation for public inspection. The notice will be published in a local newspaper of community-wide circulation by the applicant].* The director *[of staff, concurrent with the publication,]* will distribute *[the notice]* the determination to *[all]* interested *[parties]* federal agencies, state, and local governments, and entities that have expressed an interest in the proposed project, and a copy will be made available to the public upon request.

(B) An environmental review of the proposed project, supported by the *[applicant's]* **recipient's** EID, will be conducted by the director *[of staff]* to determine whether any significant impacts are anticipated and whether any changes may be made in the proposed project to eliminate significant adverse impacts. As part of this review, the director *[of staff]* may require the *[applicant]* **recipient** to submit additional information or undertake additional public participation and coordination to support its environmental determination. Based on the environmental review, the director *[of staff]* will prepare a FNSI/EA describing—

1. The purpose and need for the proposed project;
2. The proposed project including its costs;
3. The alternatives considered and the reasons for their rejection or acceptance;
4. The existing environment;
5. Any potential adverse impacts and mitigative measures; and
6. Any proposed conditions to the provision of financial assistance and any means provided for the monitoring of compliance with the conditions.

(C) When the director has determined that a FNSI/EA will be issued, the director will prepare FNSI/EA determination. The FNSI/EA will be distributed to *[all parties, governmental]* interested federal agencies, state and local governments, and entities *[and agencies]* that *[may]* have expressed an interest in the proposed project, and a copy will be available to the public upon request. No action regarding approval of the facilities plan or the provision of financial assistance will be taken by the director *[of staff]* for at least thirty (30) days after the issuance of the FNSI/EA.

(D) Public participation requirements for an EIS are detailed in paragraph *[(2)](4)(B)2.* except the ROD and final EIS shall have a forty-five- (45)-*[-]* day period of notice.

*[(E) In accordance with paragraphs (1)(B)1. and 2. and subsection (1)(C), the director of staff will conduct environmental reviews and issue public notices or amended determinations as appropriate.]*

#### (6) Environmental Determination Modification.

(A) Recognizing that a project may be altered at some time after an environmental determination on the project has been issued, the director will provide that, prior to approval, the plans and specifications, loan application and related documents will be examined for consistency with the environmental determination. If inconsistencies are found, the director may revoke a CE and require the preparation of a FNSI/EA or an EIS, or require the preparation of amendments to a FNSI/EA or supplements to an EIS, as appropriate. Based upon the staff's review of the amended project, the director will—

1. Reaffirm the original environmental determination through the issuance of a public notice or statement of finding;
2. Issue a FNSI for a project for which a CE has been revoked or issue a public notice that the preparation of an EIS will be required;
3. Issue an amendment to a FNSI/EA or revoke a FNSI and issue a public notice that the preparation of an EIS will be required; or
4. Issue a supplement to a ROD or revoke a ROD and issue a public notice that financial assistance will not be provided.

(B) When five (5) or more years have elapsed between the last environmental determination and the submittal of an application to the fund, the director will reevaluate the project, environmental conditions and public views and, prior to approval of the application, proceed with the environmental determination in accordance with section (5).

(7) The director may, on a case by case basis, accept the environmental reviews, consistent with the National Environmental Policy Act completed by other state and federal agencies. Environmental reviews completed by other state and federal agencies must be less than five (5) years old unless reaffirmed.

*AUTHORITY: section 644.026, RSMo [Supp. 1993] 2016. Original rule filed Sept. 13, 1988, effective Feb. 14, 1989. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for the Clean Water Commission to be held at 10 a.m. on August 15, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring/Roaring River Conference Rooms, 1730, East Elm Street, Jefferson City, MO 65101.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 4—Grants and Loans

### PROPOSED AMENDMENT

**10 CSR 20-4.061 Storm Water Grant and Loan Program.** The department is amending subsection (2)(J) and paragraph (5)(B)4. with minor terminology edits; deleting subsections (11)(A) through (C) as this portion of the rule has since expired; adding new subsections (11)(A) and (B) to describe the current grant payment process; amending section (13) to describe the current grant repayment terms; and amending section (14) with a minor change in terminology.

*PURPOSE: The amendment removes outdated requirements for grant disbursements and updates grant repayment conditions.*

#### (2) Definitions.

(J) Storm Water *[Repayment Fund]* **Loan Revolving Fund.** Fund containing repayments and interest from storm water loans originated from storm water control bonds.

(5) Eligible Project Costs. The information in this section represents policies and procedures for determining the eligibility of project costs for assistance under the Storm Water Grant and Loan Program.

(A) General. It is the policy of the commission that all project costs will be eligible if they meet the following tests:

1. Reasonable and cost effective;
2. Necessary for the construction of an operable storm water facility or for the completion of a comprehensive storm water master plan; and
3. Included in the scope of the project as described in the application and engineering submittals.

(B) Eligible Costs. Eligible costs include at a minimum:

1. Costs for development of a comprehensive storm water control plan meeting the requirements of subsection (3)(D);
2. Engineering services for planning and design based on invoiced amounts for a contracted engineering consultant. A copy of the approved engineering agreement must be submitted to the department or delegated entity when engineering services are to be reimbursed with grant or loan funds. The contract should be a lump sum or cost plus fixed fee contract in the form of a bilaterally executed written agreement.
3. Costs for construction-related engineering when invoiced per an acceptable two (2)-party engineering agreement;
4. Construction costs including construction permits as issued by **[DNR] the department**;
5. Land purchase or permanent easement costs required for storm water holding basins, grass-lined channels, or for other limited structural storm water control projects, or buy-outs if the land purchased is restricted such that no permanent structure except for structures allowed under the Missouri Statewide Comprehensive Outdoor



Recreation Plan (SCORP) may be constructed within the easement or purchase area. Construction costs related to holding basins on private land are eligible if the eligible recipient retains a permanent easement, is legally responsible for operation and maintenance of the facility, and the basin constructed is clearly for storm water control and not recreational use;

6. Costs of force account work for planning, design, construction, construction engineering, and costs of rented or leased equipment. It does not include the costs of recipient-owned equipment or the costs of administration for grants and loans. Engineering performed by force account must meet the requirements of 10 CSR 20-4.061(9) which state that storm water plan preparation, design, and inspection must be provided by a registered professional engineer or by a person under the direct and continuing supervision of a registered professional engineer. To be considered for force account, the following information must be submitted for review and approval by the department prior to beginning on the project:

A. Which project(s) they intend to do with city employees;  
B. The names of the employees who will be working on the project;

C. A specific time code must be assigned to each project. The letter should state the time code number;

D. For engineering work, the letter must contain an assurance that the employee is a registered professional engineer or the name of the professional engineer who directly supervises this person;

E. The hourly wage for each individual must be given. If the person is salaried, this is the total annual salary divided by two thousand and eighty (2,080) hours. The hourly wage cannot include fringe or indirect costs; and

F. A copy of the time card that will be used. The time card must list the employee name, project time code, hours worked, and the signature of the employee and the supervisor. Should there be a change in employees, salary, or engineering supervisor during the course of the project, the recipient must amend/update the information in the original letter before that salary and/or employee cost can be reimbursed;

7. Demolition costs of structures located within storm water control areas provided future development of permanent structures in the storm water control area is restricted;

8. Local cost of issuance and capitalized interest incurred on loans administered under this rule;

9. Up to five (5) sequential years of grant and/or loan funding may be used for the same project if it meets the following criteria:

A. The contract is awarded within the time frame necessary to receive the first grant and/or loan of the sequence;

B. The recipient certifies that there are adequate funds committed from other sources to complete the construction;

C. The recipient commits to the original funding combination for the entire sequence of grants and/or loans; and

D. The recipient certifies that the project will be completed with or without the subsequent years' grant/loan funds.

10. Costs associated with minimizing storm water damage to sink holes;

11. The reasonable costs of administrative fees incurred by a delegated entity in connection with each grant; and

12. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when the loan is needed for cash flow purposes for the period between the receipt of the letter of commitment and the first receipt of funds by the grantee. The approved costs of a grant anticipation loan will not increase the approved grant amount.

(7) Grant Amount. The maximum grant is limited to fifty percent (50%) of the total eligible project costs or available funds, whichever is less. The recipient must provide the remaining amount needed to

complete the project through a storm water loan administered by the **(DNR) department** or other acceptable source of funds. Grants may be matched with other state or federal grants up to one hundred percent (100%) of the eligible project costs.

(11) Grant Payments.

*[(A) For Storm Water Grants and Storm Water Grant Amendments Made during the Period March 4, 2007 through August 30, 2007. For grants that are not matched with loans from this program, full payment will be made at the time of the department's receipt of the executed grant award or grant amendment. The following provisions shall apply:*

*1. Except for a delegated entity, the grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo. The requirement to establish an escrow account may be waived for projects that are expected to be complete within three (3) months of grant award;*

*2. The full grant amount, less any payments processed prior to the date of this rule, will be paid into the grantee's established escrow account or to the grantee directly if the escrow account requirement has been waived;*

*3. Grant funds paid to the escrow account or to the grantee may be used to pay up to fifty percent (50%) of the costs of section (5) of the rule. No funds may be withdrawn from the escrow account until the following conditions have been met:*

*A. Projects involving construction and not paid through a delegated entity must submit to the department:*

*(I) Construction plans and specifications, design criteria, and drainage basin plan prepared in accordance with subsection (3)(D) of this rule; and*

*(II) Executed contract documents;*

*B. All construction contracts must be awarded by December 31, 2007. For grants not paid through a delegated entity, it is the grantee's responsibility to submit the construction documents to the department no later than January 31, 2008. Failure to award the major construction contracts by December 31, 2007, will result in departmental recovery of the full grant amount;*

*C. For grants for planning projects, the grantee must have all grant funds fully committed to the project by July 1, 2008; and*

*D. Any funds remaining in an escrow account established under this subsection on January 1, 2010, will be recovered by the department;*

*4. The grantee shall submit the bank statement of the escrow account monthly within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs. For grantees that have received grant funds when the escrow requirement has been waived, documentation shall be submitted within one hundred twenty (120) days of grant payment; and*

*5. Projects administered through a delegated entity will be paid in accordance with that entity's procedure on file with the department.*

*(B) Storm Water Grants and Loans Made after August 30, 2007. Based on the cash flow circumstances of the storm water bond fund, the department may elect to pay out the full grant amount at the time of grant award or to make multiple reimbursement payments to the grantee.*

*1. If the department elects to make full payment of the grant amount, the payment shall be made at the time of the department's receipt of the executed grant award. The following provisions apply:*

*A. Except for a delegated entity, the grantee shall*

establish a separate account dedicated to the storm water grant funds;

B. The grant amount must be deposited to the dedicated account;

C. Grant funds may be used to pay up to fifty percent (50%) of the eligible costs listed in section (5) of this rule. No funds may be withdrawn from the escrow account until the following conditions have been met:

(I) For construction projects not paid through a delegated entity, the grantee must submit and receive departmental concurrence for:

(a) Construction plans and specifications prepared in accordance with subsection (3)(D) of this rule; and

(b) Executed contract documents; and

(II) For planning projects not paid through a delegated entity, the grantee must have the department's approval for all major consulting contracts, and a copy of the consulting contracts must be on file with the department;

D. The bank account may earn interest; however, all withdrawals from the account must be documented with eligible invoices. If the project costs are inadequate to withdraw all the funds in the account, the balance must be refunded;

E. Any funds remaining in an escrow account established under this subsection three (3) years after the initial payment will be recovered by the department; and

F. The grantee shall submit the bank statement of the escrow account monthly within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.

2. If the department elects to make multiple grant payments rather than fund the grantee's escrow account, payments can be requested no more frequently than monthly. The department will provide a payment form for the grantee to use. The payment request must be supported by invoices to document the costs incurred. Grant funds may be used to pay up to fifty percent (50%) of the eligible costs listed in section (5) of this rule. No funds will be released to the grantee until the following conditions have been met:

A. For construction projects not paid through a delegated entity, the grantee must submit and receive departmental concurrence for:

(I) Construction plans and specifications prepared in accordance with subsection (3)(E) of this rule; and

(II) Executed contract documents;

B. For planning projects not paid through a delegated entity, the grantee must have the department's approval for all major consulting contracts, and a copy of the consulting contracts must be on file with the department; and

C. Any funds remaining in the grant three (3) years after the date of the grant award will be recovered by the department.

3. Projects administered through a delegated entity will be paid in accordance with the delegated entity's procedure on file with the department.

(C) An audit to verify eligible project costs will be made by the department after the completion and inspection of the project. Any funds found not expended for purposes listed in section (5) of this rule will be recovered in addition to any applicable penalties.]

(A) Prior to the grant award, the department will notify the grantee how funds will be disbursed under the grant.

1. No funds may be drawn from the grant until the following conditions have been met:

A. For construction projects, the grantee must submit to the department:

(I) Construction plans and specifications prepared in

accordance with subsection (9)(A) of this rule; and

(II) Executed contract documents.

B. For planning projects, the grantee must have the department's concurrence for all major consulting contracts, and a copy of the consulting contracts must be on file with the department; and

C. The grantee has documented it has secured matching funds for the grant.

2. Projects administered through a delegated entity will be paid in accordance with the delegated entity's procedure on file with the department.

(B) An audit to verify eligible project costs and inspection of the project may be made by the department. Any funds found not expended for purposes listed in section (5) of this rule will be recovered in addition to any applicable penalties.

(12) Loan Requirements.

(A) Loans shall be administered in accordance with the provisions in 10 CSR 20- 4.041 *for 10 CSR 20-4.042* except that the loan shall not be subject to requirements unique to wastewater treatment projects. When the storm water loan is funded through storm water control bonds, the loan shall not be subject to requirements specific to federal funding.

(B) Loans must be secured with an acceptable debt instrument including revenue or general obligation bonds *for debt issued pursuant to Environmental Improvement and Energy Resources Authority's (EIERA) SRF program policy on annual appropriation backed debt*. Other financing securities will be reviewed on a case-by-case basis. *[Tax Increment Financing (TIF) security structures will not be considered. Loans must be amortized over twenty (20) years or less from loan closure.]* Repayment must begin within one (1) year of project completion.

(C) The commission may direct that existing and/or future loans be leveraged through the Environmental Improvement and Energy Resources Authority.

*[(D) Loan payments will be made no more frequently than monthly.]*

*[(E)](D)* If at any time during the loan period the facility(ies) financed under this rule is sold, either outright or on contract for deed, to other than a political subdivision of the state, the loan becomes due and payable upon transfer.

(13) Repayment of Grant. *[Repayment]* A portion of the grant *[is required if the applicant fails to obtain and meet reporting requirements of all DNR permits for all facilities owned by the recipient. The grant may also]* will be required to be repaid *[at a straight-line depreciated rate]* if the facilities constructed with grant funds are sold or transferred to private ownership. The grantee shall notify the department at least ninety (90) days prior to any such transfer. The amount of grant funds to be repaid will be based on a straight-line depreciation schedule based on the useful life of the project, but in no event exceeding a thirty (30)-year depreciation schedule.

(14) *[Stormwater] Storm Water Loan Revolving Fund.* Storm water grants and loans may be awarded from the *[stormwater/ storm water]* revolving fund as funds are available. Eligible applicants must be a municipality, county, public sewer district, public water district, or a combination of the same. Except for subsections (3)(A)-(C), all provisions of this regulation apply to grants and loans made from the *[stormwater/ storm water]* revolving fund.

*AUTHORITY: sections 644.026[, RSMo 2000] and [section] 644.570, RSMo [Supp. 2008] 2016. Original rule filed June 9, 1999, effective March 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)*

in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for the Clean Water Commission to be held at 10 a.m. on August 15, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring/Roaring River Conference Rooms, 1713 East Elm Street, Jefferson City, MO 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

### PROPOSED AMENDMENT

**10 CSR 20-6.010 Construction and Operating Permits.** The Clean Water Commission is amending sections (1) through (14), deleting and replacing sections (2) and (7), and adding a new section (15).

**PURPOSE:** This amendment clarifies continuing authority requirements, simplifies the list of projects requiring construction permits, removes duplicative language found in other regulations, requires electronic submittals of certain information, and serves as a general clean-up for consistency and clarity.

**PURPOSE:** This rule sets forth the requirements and process of application for construction and operating permits, and the terms and conditions for the permits. This rule also clarifies the requirements of the permit program, improves its administration, and brings the program in compliance with the latest federal regulations, 44 FedReg 32.854 (1979).

#### (1) Permits—General.

(A) All persons who build, erect, alter, replace, operate, use, or maintain existing point sources, or intend these actions for a proposed point source, water contaminant sources, or wastewater treatment facilities shall apply to the Missouri Department of Natural Resources (department) for the permits required [by the Missouri Clean Water Law and these regulations] in accordance with sections (4) and (7) of this rule. The [D]department issues these permits [in order] to enforce the Missouri Clean Water Law and regulations and administer the National Pollutant Discharge Elimination System (NPDES) Program.

(B) The following are exempt from [permit regulations] this rule:

1. Nonpoint source discharges;
2. Service connections to wastewater [sewer] collection systems;
3. [Internal plumbing and piping or other water diversion or retention structures within a manufacturing or industrial plant or mine, which are an integral part of the industrial or manufacturing process or building or mining operation. An operating permit or general permit shall be required, if the piping, plumbing, or structures result in a discharge to waters of the state;] Internal plumbing, piping, water diversion, or retention structures that are an integral part of an industrial process, plant, or operation that do not discharge to waters of the state;
4. Routine maintenance or repairs of any existing [sewer] col-

lection system, wastewater treatment facility, or other water contaminant or point source;

#### 5. Onsite systems for [S]/single family residences;

6. The discharge of water from an environmental emergency cleanup site under the direction of, or the direct control of, the [Missouri Department of Natural Resources] department or the Environmental Protection Agency (EPA), provided the discharge [shall] does not violate any condition of 10 CSR 20-7.031 Water Quality Standards;

7. Water used in constructing and maintaining a drinking water well and distribution system for public and private use, geologic test holes, exploration drill holes, groundwater monitoring wells, and heat pump wells;

8. [Small scale pilot projects or demonstration p]Projects for beneficial use, that do not exceed a period of one (1) year, may be exempted by written project approval from the [permitting authority] department. The department may extend the permit exemption for up to one (1) additional year[. A permit application shall be submitted at least ninety (90) days prior to the end of the demonstration period if the facility intends to continue operation, unless other-wise exempted under this rule or Chapter 6; and];

9. The application of pesticides in order to control pests (e.g., any insect, rodent, nematode, fungus, weed, etc.) in a manner that is consistent with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Missouri Pesticide Use Act unless such application is made directly into or onto waters of the state, in which case the applicator shall obtain a permit[.];

10. Hydrostatic Testing. Persons discharging water used for the hydrostatic testing of new pipelines and storage tanks in the state of Missouri may discharge to waters of the state without first obtaining a permit if the discharge is de minimis (less than one thousand (<1,000) gallons) or meeting the requirements in section(14) of this rule;

11. Nondischarging earthen basins for domestic wastewater flows of three thousand gallons per day (3,000 gpd) or less; and

12. Rinsates and any spilled or recovered pesticides that are field applied at rates compatible with pesticide product labeling.

(C) [Nothing shall prevent the Department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the activities exempted under subsection (1)(B) should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations.] Permittees may pursue integrated planning to facilitate the use of sustainable and comprehensive solutions.

#### [(2) Applications.

(A) An application for, or for renewal of, a construction permit or operating permit shall be made on forms (see 10 CSR 20-6.090) provided by the Department. The applications may be supplemented with copies of information submitted for other federal or state permits. The application shall include a one inch equals two thousand feet (1" = 2000') scale (or larger) map showing the location of all outfalls, as well as a flowchart indicating each process which contributes to an outfall. Each application must be accompanied by the appropriate permit fee. Alternate scale maps are allowed upon the request of the applicant and approval of the Department of Natural Resources.

(B) All applications must be signed as follows:

1. For a corporation, by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by an individual having overall responsibility for environmental matters at the facility;
2. For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or

3. For a municipal, state, federal, or other public facility, by either a principal executive officer or by an individual having overall responsibility for environmental matters at the facility.

(C) All other reports required by the Department shall be signed by a person designated in subsection (2)(B) of this rule or a duly authorized representative, if—

1. The representative so authorized is responsible for the overall operation of the facility from which the discharge occurs; and

2. The authorization is made in writing by a person designated in subsection (2)(B) of this rule and is submitted to the director.

(D) Any changes in the written authorization which occur after the issuance of a permit shall be reported to the Department by submitting a new written authorization which meets the requirements of subsection (2)(C).]

[(3)](2) Continuing Authorities.

(A) [All applicants for construction permits or operating permits shall show as part of their application, that a permanent organization exists which will serve as the continuing authority for the operation, maintenance, and modernization of the facility for which the application is made. Construction and first-time operating permits shall not be issued unless the applicant provides such proof to the Department and the continuing authority has submitted a statement indicating acceptance of the facility.] Each application for a construction permit or operating permit shall identify the person, as that term is defined in section 644.016(15), RSMo, that is the owner of, operator of, or area-wide management authority for a water contaminant source, point source, wastewater treatment facility, or sewer collection system. This person shall be designated as the continuing authority and shall sign the application. By doing so, the person designated as the continuing authority acknowledges responsibility for compliance with all permit conditions.

(B) Continuing authorities [which can be issued permits to collect and/or treat wastewater under this regulation] are listed in preferential order in the following paragraphs. [An applicant may utilize a lower preference continuing authority by submitting, as part of the application, a statement waiving preferential status from each existing higher preference authority, providing the waiver does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional sewage service and treatment plan approved for the higher preference authority by the Department:] A level three (3), four (4), or five (5) applicant may constitute a continuing authority by showing that the authorities listed under paragraphs (B)1.-2. of this rule are not available; do not have jurisdiction; are forbidden by state statute or local ordinance from providing service to the person; or has met one of the requirements listed in paragraphs (2)(C)1.-7 of this rule.

1. **Level 1 Authority.** A municipality or public sewer district or governmental entity which has been designated as the area-wide management authority under section 208(c)(1) of the Federal Clean Water Act;

2. **Level 2 Authority.** A municipality, public sewer district, or [sewer company regulated by the Public Service Commission (PSC)] governmental entity which currently provides [sewage] wastewater collection and/or treatment services on a regional or watershed basis as outlined in [10 CSR 20-6.010(3)(C)] subsection (2)(E) of this rule and approved by the Missouri Clean Water Commission]. Permits shall not be issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC];

3. **Level 3 Authority.** A municipality, public sewer district, or

sewer company regulated by the **Public Service Commission (PSC)** other than one which qualifies under paragraph [(3)](2)(B)1. or 2. of this rule or a public water supply district. Permits shall not be [issued to] **applied for by** a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;

4. **Level 4 Authority.** Any person, industry, or group of persons contractually obligated to collectively act as a wastewater collection and treatment service, or nonprofit company organized under section 393.825, RSMo, with complete control of, and responsibility for[,] the water contaminant source, point source, or wastewater treatment [facility and all property served by it] system. [The person may constitute a continuing authority only by showing that the authorities listed under paragraphs (3)(B)1.-3. of this rule are not available, do not have jurisdiction, are forbidden by statute or ordinance from providing service to the person or, if available, have submitted written waivers as provided for in subsection (3)(B) of this rule; and]

5. **Level 5 Authority.** An association of property owners served by the wastewater treatment facility, provided the applicant [shows] documents that—

A. [The authorities listed in paragraphs (3)(B)1.-3. of this rule are not available or, that any available authorities have submitted written waivers as provided for in subsection (3)(B);] **The association is a corporation in good standing registered with the Office of the Missouri Secretary of State;**

B. The association owns the facility and has valid easements for all sewers;

C. [The document establishing the association imposes] **The covenants on the land of each property owner which [assures the proper operation, maintenance, and modernization of the facility] provides the authority for compliance of wastewater treatment system including at a minimum:**

(I) The power to regulate the use of the **collection system and/or the wastewater treatment facility;**

(II) The power to levy assessments on its members and enforce these assessments by liens on the properties of each owner;

(III) The power to convey the facility to one (1) of the authorities listed in paragraphs [(3)](2)(B)1.-3.; and

(IV) The requirement that members connect with the facility and be bound by the rules of the association[; and].

[D. **The association is a corporation in good standing registered with the Office of the Missouri Secretary of State.**]

(C) [The department will review the planning, design, construction, and designation of watershed or regional sewage works. Where development is insufficient to warrant immediate construction of facilities for the entire watershed or region, interim facilities for a portion of the area shall be authorized as long as the design is compatible with 10 CSR 20-8, Design Guides. The department shall condition permits for these interim discharges so they will be eliminated upon the availability of watershed or regional facilities, At such time as watershed or regional facilities become available, and to the extent their capacity is sufficient, any existing subregional treatment works and/or lift stations shall be taken out of service and the tributary waste flows diverted into the watershed or regional facilities. A Regional Sewage Service and Treatment Plan shall be developed by all affected political jurisdictions and submitted to the Department. Staff will review the plan and submit recommendations to the Clean Water Commission. The Clean Water Commission may approve, require changes, deny the plan, and/or hold public hearings related to approval of the plan.] Applicants proposing use of a lower preference continuing authority, when the higher level authority is available, must submit one (1) of the following for the department's review, provided it does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or by the Missouri Clean Water

**Commission:**

1. A waiver from the existing higher authority;
2. A written statement or a demonstration of non-response from the higher authority declining the offer to accept management of the additional wastewater;
3. A to-scale map showing that all parts of the legal boundary of the property to be connected are beyond two thousand feet (2000') from the collection system operated by a higher preference authority;
4. A proposed connection or adoption charge by the higher authority that would equal or exceed what is economically feasible for the applicant, which may be in the range of one hundred twenty percent (120%) of the applicant's cost for constructing or operating a wastewater treatment system;
5. A proposed service fee on the users of the system by the higher authority that is above what is affordable for existing homeowners in that area;
6. Terms for connection or adoption by the higher authority that would require more than two (2) years to achieve full sewer service; or
7. A demonstration that the terms for connection or adoption by the higher authority are not viable or feasible to homeowners in the area.

(D) *The Applicants for [//industries, [including electric cooperatives and mining operations, are by definition continuing authorities] shall submit a statement waiving preferential status from each existing higher preference authority listed in paragraphs (2)(B)1., 2., or 3. of this rule for collection and treatment of industrial [type wastewater and incidental], process, and domestic wastewater [associated with their operation when an authority listed in paragraph (3)(B)1. or 2. is infeasible] as part of a new operating permit application.*

(E) Private corporations which are not incorporated under the laws [of the state] of Missouri shall be represented by a registered agent in the state of Missouri before a construction permit or an operating permit will be issued by the department.

(F) **Application of Level 2 Authority.** If a municipality or public sewer district wishes to provide wastewater collection and/or treatment services on a regional or watershed basis as outlined in paragraph (2)(B)2. of this rule, the entity shall—

1. Submit a preliminary request to the Missouri Clean Water Commission through the department to obtain higher authority;
2. Develop a plan, which includes, but not limited to:
  - A. A discussion of regional treatment service;
  - B. Capital improvements program;
  - C. Process to provide waivers when sewer connection is not available;
  - D. Approach to address permit compliance with facilities in the service area;
  - E. Community financial capability information; and
  - F. Defined service area map;
3. Obtain and maintain authority through ordinances to compel wastewater users and facilities to connect for management of wastewater flows. The ordinance requires the recipient to notify all potential users of service availability and that all users connect to the system within the timeframe provided in the notice of service availability. Submit a copy of the enacted ordinance;
4. Provide a public meeting prior to approval of the plan developed according to paragraph (2)(I)2. of the rule and the draft ordinance. Distribution of information and the publication of the notice of decision-making should occur for at least thirty (30) days. Following the public meeting, provide a copy of the transcript, attendance log, recording, or other complete record to the department;
5. Submits a final request to the Missouri Clean Water Commission through the department, containing the fulfillment of paragraphs (2)(G)1.-4. of this rule, incorporating preliminary recommendations provided by the Missouri Clean Water

**Commission;**

6. Staff will review the plan and present recommendations to the Missouri Clean Water Commission for action;

(3) **Antidegradation.** Applicants seeking new or expanded discharges shall submit an antidegradation review request.

(A) Applicants may submit their request on forms provided by the department, and other information in support of the project, including, but not limited to, the following:

1. The Water Quality Review Assistance Antidegradation Review Request form, and the appropriate attachments;
2. An antidegradation report detailing the proposed project; and
3. Any additional information, evidence, documentation, technology performance information, modeling, or monitoring data consistent with the Antidegradation Implementation Procedure; and
4. The appropriate fee according to 10 CSR 20-6.011.

(B) **Public comment.** The department will place a public notice of the antidegradation determination on the department's website and allow the public an opportunity to provide comments for a minimum of thirty (30) days. The antidegradation determination may be revised as a result of comments received.

(4) **Facility Plans and Engineering Reports.** Applicants seeking a construction permit shall submit a facility plan or engineering report unless otherwise designated by the department.

(A) Submit the engineering report and/or facility plan prior to submittal of the Construction Permit Application, including the following, as applicable:

1. **A signed Facility Plan or Engineering Report.** All facility plans and engineering reports are to be signed and sealed by a Missouri registered professional engineer, and contain the information in accordance with 10 CSR 20-8;
2. **Identify the alternative technical manuals and design criteria utilized that is different from the design guidance provided in 10 CSR 20-8.110 through 10 CSR 20-8.220;**
3. **Submit one (1) hard copy and an electronic version (in Portable Document Format (PDF) searchable format or department approved equivalent) for review;**
4. **For Engineering Reports—**
  - A. **Submit a plan of the existing and proposed sewers for projects involving new sewer systems and substantial additions to existing systems;**
  - B. **Submit a plan for projects involving construction or revision of pumping stations;**
  - C. **Provide the design basis and operating life;**
5. **For Facility Plans—**

A. **Submit an approved Water Quality Review and Antidegradation evaluation or determination for all new and expanding facilities, in accordance with 10 CSR 20-7.031(3). For non-funded projects, information submitted as part of the Antidegradation Report does not have to be resubmitted with the facility plan;**

B. **Evaluate the feasibility of constructing and operating a facility with no discharge to waters of the state if the report is for a new or modified wastewater treatment facility;**

C. **Evaluate the economics of the project including alternatives to constructing a discharging system, including an evaluation of alternatives of wastewater irrigation or subsurface dispersal and connection to a regional wastewater treatment facility;**

D. **A geohydrological evaluation conducted by the department's Missouri Geological Survey, for all proposed new construction, new earthen basins, new outfall locations, wastewater irrigation fields, and subsurface dispersal sites. Include any recommendations provided in the geohydrological evaluation;**

E. **A soil morphology analysis conducted by a duly qualified soil individual for all subsurface systems and for all wastewater irrigation systems applying more than twenty-four inches**

(24") per year. Submit on forms provided by the department.

(B) Engineering reports and/or facility plans are exempt for the following non-funded projects:

1. Disinfection equipment projects for treatment types promulgated in 10 CSR 20-8.190;
2. Projects exempted from construction permitting under subsection (5)(C) of this rule;
3. Sewer extensions permitted under the general construction permit provided in subsection (5)(D) of this rule;
4. Sewer projects that submit a Missouri registered professional engineer's Sewer Extension Design Certification with the permit application; and
5. Treatment plants and/or sewer extensions by a permittee with their own authority under subsection (6) of this rule, if they are not receiving department funding.

[(4)](5) Construction Permits.

(A) [No] Any person [shall cause] causing or permitting the construction, installation, or modification of any [sewer] collection system [or of any water contaminant source, point source,] or wastewater treatment facility [without] shall first [receiving] receive a construction permit issued by the department [except] for any of the following activities:

1. [Construction of a separate storm sewer; and] New or modified domestic wastewater discharges;
2. [Facilities as provided in other 10 CSR 20-6 regulations.] New or modified surface and subsurface wastewater treatment for private or domestic wastewater treatment facilities;
3. New or modified earthen basins used for wastewater storage or treatment including industrial operations and Class I Concentrated Animal Feeding Operations;
4. Sewer extensions and/or pump stations; or
5. Innovative technologies for domestic and publicly owned wastewater treatment, as defined by 10 CSR 20-8.140.

(B) The following activities are exempt from construction permitting when the activities meet the applicable standards in 10 CSR 20-2 through 10 CSR 20-9. Projects exempt from construction permitting may require professional engineering, as defined in section 327.181, RSMo 2016:

1. Construction of a separate storm sewer;
2. Sewer extensions one thousand feet (1,000') or less, including gravity sewers and/or force mains, with no more than one (1) pump station;
3. Construction of less than three thousand gallons per day (3,000 gpd) non-discharging lagoon systems;
4. Class II and smaller Animal Feeding Operations (AFO), as designated in 10 CSR 20-6.300;
5. Nondomestic discharges of process wastewater except discharges utilizing an earthen basin;
6. Stormwater best management practices, as defined in 10 CSR 20-6.200;
7. Industrial facilities connecting to a publicly owned wastewater treatment facility;
8. Treatment facilities evaluated and constructed under other department programs;
9. Systems adding common metal salts for phosphorus removal prior to existing liquid-solids separation and tertiary filtration;
10. Adding pre-engineered dechlorination equipment;
11. Solids processing equipment;
12. Like-for-like replacement (e.g., replacing eight-inch (8") pipe with eight-inch (8") pipe at the same location and grade, but material type may be different);
13. Outfall relocation within the same receiving stream, close proximity to the existing outfall, and upon review by the department;
14. Projects which the department has determined a construction permit is not required through written determination;

and

15. Minor projects that change equipment or operations, but do not affect the overall capacity of the treatment or treatment type, including, but not limited to:

- A. Internal piping changes;
- B. pH adjustment;
- C. Addition of solids storage tanks;
- D. Screening equipment;
- E. Grit removal equipment;
- F. Administrative buildings;
- G. Fences and access roads;
- H. Flow measuring devices;
- I. Mixing equipment;
- J. Addition and/or improvement of sampling equipment;
- K. Replacement of aeration equipment; and
- L. Polymer additives.

(C) General Permits for Sewer Extension Construction. Persons may apply for a general construction permit for construction of gravity sewer line extensions, pump stations, and force mains.

[(B)](D) An applicant must submit [A/a] separate construction permit application for each [sewer] collection system, [water contaminant source, point source,] or wastewater treatment facility [must be submitted] to the department. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases. For continuing authorities listed in paragraphs [(3)](B)1. or 2.] (2)(B)1., 2., or 3., submit only one (1) application [may be required] when the authority operates a [sewage] wastewater treatment [plant] facility and has one (1) or more other noncontinuous [storm water-related] stormwater discharges associated with the [sewage treatment plant] facility.

(E) Demonstration Projects. Demonstration and pilot projects are innovative processes for which minimum design criteria is not well established. Demonstration or pilot projects shall be approved by the department prior to implementation of the new technology process or equipment.

1. Pilot project installations are those whose discharge is returned to the existing treatment facility. They are installed for a period of one (1) year and are exempt from obtaining a construction permit after obtaining department approval of the project evaluation. Refer to paragraph (1)(B)8. of this rule.

A. The project evaluation requirements are identified in 10 CSR 20-8.110(6). Pilot project installations are temporary and coordinated to ensure water quality is protected.

2. A Demonstration Project installation is a full scale innovative technology process. All antidegradation, operating permit, and construction permitting requirements apply.

A. Full scale demonstration projects in Missouri are not exempt from antidegradation or permit requirements.

B. The treatment process must be based on reasonable and sound engineering principles. Include a project evaluation of a technical performance demonstration of treating pollutants of concern in Missouri or locations with a climate similar to Missouri. The expected project evaluation details are outlined in 10 CSR 20-8.110(6) including review of design criteria.

C. An operating permit modification depends on the nature of the treatment process and will be determined during project review of the facility evaluation or plan.

3. The technology remains a demonstration process until documentation verifies consistent performance as designed for treatment of pollutants of concern for twelve (12) consecutive months at three (3) sites in Missouri or locations with a climate similar to Missouri. Design subsequent installations of verified treatment processes based on established design criteria.

[(C)](F) An applicant must submit [A/an] application for a construction permit [must be submitted] to the department at least one hundred eighty (180) days for a wastewater treatment facility or sixty (60) days for collection system projects in advance of the

date on which construction begins. *[Requests for a shorter time for a review of a wastewater treatment facility may be made but must be accompanied by a detailed statement of the justification for the request. No such statement is required when the application is only for the construction of sewers.]*

**[(D)](G)** An application *[shall consist of]* for a construction permit shall be made on forms provided by the department and includes the following items:

1. *[Unless not required by the department, an engineering report shall be submitted by an engineer and shall contain the information required by 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220. If the report includes a wastewater treatment facility, it shall include consideration of the feasibility of constructing and operating a facility which will have no discharge to waters of the state (see section (12) of this rule). Unless the department specifies otherwise, this report will be reviewed and necessary changes made before the plans and specifications in paragraph (4)(D)2. will be reviewed;]* A Construction Permit Application Form signed—

A. For a corporation, by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by a delegated individual having overall responsibility for environmental matters at the facility;

B. For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or

C. For a municipal, state, federal, or other public facility, by either a principal executive officer or by a delegated individual having overall responsibility for environmental matters at the facility;

2. Appropriate permit fee according to 10 CSR 20-6.011;

3. An electronic copy of the construction permit application and the information listed below in Portable Document Format (PDF) searchable format or department approved equivalent, along with one (1) paper copy for projects not seeking department funding or two (2) paper copies for projects seeking department funding under 10 CSR 20-4;

4. An approved Water Quality Review and antidegradation evaluation or determination for all new and expanding facilities, in accordance with 10 CSR 20-7.031(3);

5. A summary of design;

*[2.]6. Detailed engineering plans and technical specifications [shall be submitted by an] signed, sealed, and dated by a Missouri registered professional engineer [and shall], which contains the information [required in 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220] in accordance with 10 CSR 20-8, or other regulations as applicable;*

*[3. An application form and permit fee;*

*4. A one inch equals two thousand feet (1" = 2000') scale map (or larger) showing the location of all outfalls (alternate scale maps are allowed upon the request of the applicant and approval of the Department of Natural Resources);]*

7. A map showing the location of all outfalls, with scale, as well as a flowchart indicating each process which contributes to an outfall; and

*[5.]8. Other information necessary to determine compliance with the Missouri Clean Water Law and these regulations as required by the department[; and].*

*[6. If a construction permit is waived by the department, or not required, the information in paragraphs (4)(D)1.–5. may be required with application for the operating permit.]*

**[(E)](H)** If an application is incomplete or otherwise deficient, the applicant *[shall]* will be notified of the deficiency and processing of the application may be discontinued until the applicant has corrected all deficiencies.

1. Applicants who fail to satisfy all department technical

comments after two (2) certified comment letters, in a time frame established by the department, may have the application returned as incomplete and will forfeit the construction permit application fees.

2. The department will act after receipt of all documents and information necessary for a properly completed application, as listed in subsection (5)(G) of this rule above and including appropriate filing fees, and other supporting documents as necessary, by either *[issuing a notice of operating permit pending]*, issuing or denying the construction permit, *[or denying the permit]*. *[The director in writing, shall give the reasons for a denial to the applicant. Applicants who fail to satisfy all department comments after two (2) certified department comment letters in a time frame established by the department shall have the application returned as incomplete and shall the construction fees shall be forfeited.]*

3. The applicant *[has the right to]* may submit a written request *[that the time frames be extended when]* additional time is needed prior to the conclusion of the set time frame. *[The request must occur within the established time frame, it must be in writing and t/The department will grant reasonable time extensions.*

*[(F) A notice of permit pending is a statement that the department intends to issue an operating permit. The department will issue the public notice of a pending new operating permit for a wastewater treatment facility before it issues the construction permit for the wastewater treatment facility. This allows the public an opportunity for comment prior to the construction of a wastewater treatment facility. A public notice will not be required prior to the issuance of a construction permit for a sewer collection system. If a construction permit for a new wastewater treatment facility is not issued within one (1) year of the date of the notice of permit pending, a new notice of permit pending will be issued.]*

**(I)** Notification in writing. A final determination whether the construction permit is approved, approved with conditions, or denied with reason, will be provided in writing to the applicant by the department within one hundred eighty (180) days.

**[(G)](J)** Construction permits shall expire *[one (1)]* two (2) years from the date of issuance unless the permittee notifies the department within their application of the necessity for a longer construction period or the permittee applies for an extension. *[The department shall extend construction permits only one (1) time. An applicant for this extension shall show that there have been no substantial changes in the original project and file for extension thirty (30) days prior to expiration. When a construction permit is issued for a project for which the construction period is known in advance to require longer than one (1) year from the date of issuance, the department may issue a permit allowing a period of time greater than one (1) year upon a showing by the applicant that the period of time is necessary and that no substantial changes in the project will be made without notifying the department. If there are changes, the department may require the applicant to apply for a new construction permit. Construction permits may be issued for a period of less than one (1) year when appropriate.]*

1. Submit requests for construction permit extension thirty (30) days prior to expiration. If there are changes, the department may require the applicant to apply for a new construction permit.

**(K)** The minimum design standards requirements set forth in 10 CSR 20-8 do not preclude the department or the applicant from utilizing other published technical design guides during the



application review process to ensure effluent limitations can be met. The department may request additional information and engineering justification to determine the facility's ability to meet effluent limits.

*[(H)](L)* Issuance of a construction permit does not constitute a guarantee by the department that the finished [water contaminant source, point source, or] wastewater treatment facility will meet specified effluent limitations.

*[(I)]* The applicant shall provide the Department with evidence the local planning and zoning agency has been notified of the project and must update the Department on the status of any action by the local planning and zoning agency.]

(M) A site specific operating permit application and appropriate modification fee shall be submitted with the construction permit application to allow for public participation prior to the issuance of a construction permit. An operating permit application and modification fee is not required with the construction permit application if-

1. Effluent limits and permit conditions have been established and previously completed public notice and comment procedures as part of an operating permit renewal;

2. Effluent limits were established as part of the antidegradation review and the required public notice and comment procedures were afforded in accordance with subsection (3)(E) of this rule;

3. No new effluent limits and conditions are needed to be established in the existing operating permit, such as a facility description change; or

4. Applicant is seeking a general permit.

(N) The owner, owner's designee, or the professional engineers shall certify a project is complete or substantially complete, with the submittal of a Statement of Work Completed form.

1. If the project differs from the originally submitted plans and specifications, submit as-built plans clearly showing the alterations upon department request at the completion of the work.

2. A representative of the department may inspect the completed work in order to determine that the completed work substantially adheres to the submitted engineering plans, technical specifications, Missouri Clean Water Law, and Missouri Clean Water Commission regulations.

*[(5)]* Operating Permits.

(A) Persons who build, erect, alter, replace, operate, use, or maintain any water contaminant source, point source, or wastewater treatment facility which discharges to waters of the state shall obtain an operating permit from the department before any discharge occurs. The operating permit shall be issued to the owner/operator. Nondischarging facilities for the treatment or disposal of wastes, wastewater, or residuals shall obtain permits as provided in 10 CSR 20-6.015. Persons who intend to discharge in accordance with section (14) of this rule are permitted by rule and may discharge without additional written approval from the department.

(B) Applications for an original operating permit for a facility that had a valid construction permit and a prior public notice shall be received by the department at least thirty (30) days before the facility begins to receive wastewater. Applications shall include the earliest date on which the discharge is scheduled to begin. The department will issue or deny the permit within sixty (60) days of receipt of the application. No facility shall discharge without a valid operating permit.

(C) Applications for the renewal of operating permits or for operating permits for facilities that did not require construction permits must be received at least one hundred eighty

(180) days either before the expiration date of the present operating permit or the date the facility begins to receive wastewater.

(D) The department shall require that an engineer certify in writing that the project has been completed in accordance with its approved plans and specifications. A municipal official who has the responsibility for the operation and maintenance of the completed facility and knowledge of the construction may submit the certification to the department. A representative of the department may inspect the completed work in order to determine that the completed work substantially adheres to the approved plans and specifications and to the Missouri Clean Water Law and Clean Water Commission regulations.

(E) The department shall specify in each operating permit the concentration, weight, or both, of each contaminant which may be released.

(6) Sewer Extensions.

(A) Persons who construct sewers tributary to a system operated by one (1) of the continuing authorities listed in paragraphs (3)(B)1. or (3)(B)2. will be exempt from the construction permit requirements for sewers if the continuing authority administers a permit program which has been approved by the department.

1. In order to obtain approval of its permit program the continuing authority must submit a written request. The request must include an account of the procedures to be followed in approving the construction of sewers by others and for handling the design of sewers to be built by its own staff or contractors. The request must include at least the following:

A. Standard specifications and typical appurtenance construction details to which all construction will be required to adhere;

B. A showing that the applicant will engage or employ a sufficient number of professional engineers and other staff qualified to review plans, issue permits, prepare reports, inspect construction, and enforce local and state requirements for each sewer extension;

C. A showing that the applicant will engage or employ a sufficient number of persons qualified to supervise construction or that the applicant has enforceable ordinances which require construction supervision and subsequent certification by a Missouri professional engineer; and

D. A showing that the applicant will maintain permanent plans of all sewers constructed and maintain records of sewer extension approvals and reports.

2. The department will review the application for approval and may ask for additional information if necessary to determine compliance with the Missouri Clean Water Law and these regulations. Approval may be granted for a period of up to five (5) years in the applicant's operating permit.

(B) Upon completion of construction, and certification by the engineer in accordance with subsection (5)(D), owners or operators of sanitary sewer systems or extensions for which construction permits were issued shall apply for a letter of authorization for operation. The system or extension then shall be considered as a part of the treatment facility to which it is tributary for permit purposes.

(7) Schedules of Compliance.

(A) Permits may contain schedules of compliance requiring the permittee to take specific steps to achieve expeditious compliance with applicable standards and limitations and other requirements. Schedules of compliance shall require compliance as soon as practicable, but in no case later than an applicable statutory deadline.

*(B) If any permit allows a time for achieving final compliance from the date of permit issuance, the schedule of compliance in the permit shall set forth interim requirements and the dates for their achievement.*

*(C) Within fourteen (14) days following each interim date and the final date of compliance, the permittee shall provide the Department with written notice of the permittee's compliance or noncompliance with the interim or final requirement for the dates.*

*(D) The Department may modify a schedule of compliance in an issued permit upon request and a showing of justification by the applicant. In no case shall the compliance schedule be modified to extend beyond an applicable statutory treatment deadline.]*

#### (6) Supervised Programs.

(A) **Applicability.** Continuing authorities listed in paragraphs (2)(B) 1., 2., or 3. with at least one (1) existing wastewater treatment facility with a design flow one million gallons per day (1 MGD) may be granted supervised program approval by the department. Supervised program approval exempts the permittee from the construction permit requirements for collection system and treatment plant works.

1. For collection system approval, the program solely applies to sanitary and/or combined sewer lines and appurtenances within a defined boundary under the continuing authority's control that ultimately discharges to a wastewater treatment facility owned by the same continuing authority.

2. For treatment plant approval, the program solely applies to continuing authorities conducting their own construction that is funded by the entity, in lieu of submitting plans and specifications for expansion or modification of existing treatment facilities. Continuing authorities desiring treatment plant approval must also have a collection system authority approved by the department.

3. If a project is receiving funding from the department under 10 CSR 20-4, the department may require the continuing authority to obtain a construction permit in compliance with 10 CSR 20-4 and 10 CSR 20-8.

4. If the facility is in noncompliance with the Missouri Clean Water Law, this may be reason for denial, suspension, or termination of the supervised program approval.

(B) **Request Submittal.** Authorities requesting supervised program approval may submit a request to the department with the following information regarding the system, treatment plant, capacity, and current procedures. The department will review the request, supporting documentation, and may ask for additional information if necessary to determine compliance with the Missouri Clean Water Law and these regulations. The department will inform the permittee in writing of its decision. Approval may be granted for a period of up to five (5) years in the applicant's operating permit.

##### 1. General Information Submittal:

A. A statement that the continuing authority employs or contracts a sufficient number of Missouri registered professional engineers and other staff qualified to review plans, issue permits, prepare reports, inspect construction, and enforce local and state requirements for each sewer extension and treatment plant project. If the continuing authority engages outside firms, provide a copy of the minimum responsibilities and expectations of the consulting engineer and what oversight the continuing authority will have. Reviews must be independent of the designer to avoid conflicts of interest;

B. A statement that the continuing authority employs or contracts a sufficient number of persons qualified to supervise construction or that the continuing authority has enforceable ordinances which require construction supervision and subsequent certification by a Missouri registered professional engineer;

C. A statement on how the continuing authority maintains permanent records of approvals, sewer extensions, and treatment plant construction project and the retention policy for reports and project documentation; and

D. A copy of the procedures followed in reviewing, approving, and inspecting the construction of collection systems by others and for handling the design and construction of collection systems to be built by its own staff or contractors delineating the responsibilities between the designers and the reviewers must be present.

2. For Collection System Approval submit the following information:

A. Standard technical specifications and typical detail drawing, prepared, signed, and sealed by a Missouri registered professional engineer, in accordance with 10 CSR 20-8.110. Standard technical specifications and detail drawings complying with 10 CSR 20-8.120 through 10 CSR 20-8.130, and all other necessary appurtenances;

B. An engineering report discussing the remaining capacity of the existing collection system, including each pump station, and the available capacity of the wastewater treatment facility serving each area. Refer to 10 CSR 20-8.110(4);

C. A current layout map, or maps, of the collection system showing street names, sewer line material types, sizes, and lengths, manholes, pump stations, force mains, air release valves, and other sewer appurtenances as necessary, or a detailed description of the continuing authority's mapping system and the procedures for updating the system;

D. A copy of the enacted ordinance enforcing the standard technical specifications and typical detail drawings.

3. For Treatment Plant Approval, submit the following information:

A. A copy of procedures to be followed in reviewing, approving, and inspecting the construction of wastewater treatment facilities by others and for retaining as-built plans following completion of the project, prepared by a Missouri registered professional engineer, in accordance with 10 CSR 20-8.110;

B. A facility plan discussing existing treatment plant(s), along with a summary of design discussing the remaining capacity of each existing wastewater treatment facility. Refer to 10 CSR 20-8.110(5);

C. Standard specifications and typical appurtenance construction details;

D. Following completion of the project, retain as-builts to be available for review, upon request.

(C) **Operating Permit.** Supervised program approval will be granted through the applicant's operating permit for a period of up to five (5) years. The operating permit may contain additional reporting requirements including, but not limited to, a summary report for an approved period.

##### 1. Treatment plant authority.

A. **Antidegradation.** Submittal and approval of an anti-degradation review is required prior to any construction that will increase facility capacity, add or increase pollutants of concern, or change receiving stream. Refer to section (3) of this rule.

B. **Operating Permit Modifications.** Submit applications for operating permit modifications, when applicable, at least one hundred eighty (180) days before the date the facility begins to receive wastewater, unless permission for a later date has been granted by the department.

C. Technologies not established or discussed in 10 CSR 20-8 are not allowed for the Treatment Plant Approval.

(D) **Summary Report.** A report summarizing the construction activities will be contained in the operating permit application renewal for reauthorization. The permittee shall maintain the following information at a minimum for the summary report or have available upon department request.

##### 1. For facilities with Collection System approval:

- A. Name of sewer extension;
- B. Length of sewer and force main;
- C. Capacity of each new or upgraded pump station, if applicable;
- D. Date sewer extension permit is issued;
- E. Date sewer extension construction is accepted;
- F. The ultimate receiving wastewater treatment facility;
- G. The remaining long term average capacity of each wastewater treatment facility; and
- H. Upon request, detailed project information on design flow, leakage, deflection, and inspections.

2. For facilities with Treatment Plant approval:

- A. The projects planned, ongoing, or completed;
- B. The remaining long-term average capacity of each treatment facility;
- C. As-builts for new or expanded treatment facilities; and
- D. Documentation and engineering justification of new or expanded treatment facilities of design components, which at a minimum meet the requirements in 10 CSR 20-8, Minimum Design Standards.

(E) Reauthorization. A request for reauthorization must be submitted at least one hundred eighty (180) days prior to expiration reaffirming (6)(B) of this rule. The department may conduct a site visit to review the request and summary report prior to reauthorization.

(7) Operating Permits.

(A) Persons who build, erect, alter, replace, operate, use, or maintain any water contaminant source, point source, or wastewater treatment facility which discharges to waters of the state shall obtain an operating permit from the department before any discharge occurs. The operating permit shall be issued to the owner and continuing authority. Nondischarging facilities for the treatment or disposal of wastes, wastewater, or residuals shall obtain permits as provided in 10 CSR 20-6.015.

(B) Applications.

1. An application for an operating permit must be submitted on forms provided by the department. The applications may be supplemented with copies of information submitted for other federal or state permits. The application shall include:

- A. A map showing the location of all outfalls, with scale, as well as a flowchart indicating each process which contributes to an outfall;
- B. Appropriate permit fee according to 10 CSR 20-6.011;
- C. An antidegradation review for new and expanding discharging facilities;
- D. A geohydrological evaluation conducted by the department's Missouri Geological Survey for new and expanded facilities;
- E. If appropriate, a variance petition, with the information detailed in section (14) of this rule; and
- F. Engineering certification that the project was designed to meet the requirements of 10 CSR 20-8 for projects exempted from construction permitting requirements in section (5) of this rule.

2. All applications must be signed as follows:

- A. For a corporation, by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by an individual having overall responsibility for environmental matters at the facility;
  - B. For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or
  - C. For a municipal, state, federal, or other public facility, by either a principal executive officer or by an individual having overall responsibility for environmental matters at the facility.
3. The permittee shall provide written notice to the department as soon as possible of any planned physical alterations or additions to the permitted wastewater treatment facility.

(C) Applications for renewal of site-specific operating permits must be received at least one hundred eighty (180) days either before the expiration date of the present site-specific operating permit or the date the facility begins to receive wastewater unless permission for a later date has been granted by the department. The department will not grant permission for applications to be submitted later than the expiration date of the existing permit.

(D) For facilities seeking coverage under a general operating permit, the application for renewal shall be submitted according to Section 644.051.13, RSMo.

(E) All reports required by the department shall be submitted and signed by a person designated in paragraph (7)(A)2. of this rule or a duly authorized representative, if—

1. The representative so authorized is responsible for the overall operation of the facility from which the discharge occurs; and

2. The authorization is made in writing by a person designated in paragraph (7)(A)2. of this rule and is submitted to the department.

(8) Terms and Conditions of Permits.

(A) The following shall be incorporated as terms and conditions of all permits:

1. All discharges and *[sludge] solids* disposal shall be consistent with the terms and conditions of the permit;

2. The permit may be modified or revoked after thirty (30) days' notice for cause including, but not limited to, the following causes:

- A. A violation of any term or condition of the permit;
- B. A misrepresentation or failure to fully disclose all relevant facts in obtaining a permit;
- C. A change in the operation, size, or capacity of the permitted facility; and
- D. The permit may be modified after proper public notice and opportunity for comment when a wasteload allocation study has been completed showing that more stringent limitations are necessary to protect the in-stream water quality;

3. The permit may not be modified so as to extend the term of the permit beyond five (5) years after its issuance;

4. Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions and regulations. *[Operators or supervisors of operations at regulated wastewater treatment facilities shall be certified in accordance with per 10 CSR 20-9.020(2) and any other applicable state law or regulation. Operators of other wastewater treatment facilities, water contaminant source, or point sources, upon request of the Department, shall demonstrate that wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel;]*

5. *[For the purpose of inspecting, monitoring, or sampling the point source, sludge, water contaminant source, or wastewater treatment facility for compliance with the Clean Water Law and these regulations, authorized representatives of the Department shall be allowed by the permittee, upon presentation of credentials and at reasonable times, to—]* The permittee, owner, and continuing authority shall allow the department or an authorized representative (including an authorized contractor acting as a representative of the department), upon presentation of credentials to, at reasonable times—

A. Enter upon permittee's premises in which a point source, water contaminant source, or wastewater treatment facility is located or in which any records are *[required to be]* kept *[under]* according to the terms and conditions of the permit;

B. Have access to, or copy, any records *[required to be]* that are kept *[under]* according to the terms and conditions of the permit;

C. Inspect any *[monitoring equipment or method required in the permit;]* facilities, equipment (including monitoring and control equipment), practices, or operations regulated

or required under a permit; and

D. *[Inspect any collection, treatment, or discharge facility covered under the permit; and] Sample or monitor for the purposes of assuring permit compliance or as otherwise authorized by the Federal Clean Water Act or Missouri Clean Water Law, any substances or parameters at any location.*

*[E. Sample any wastewater or sludge at any point in the collection system or treatment process;]*

6. If the permit is for a discharge from a publicly-owned treatment works, the permittee shall give **adequate** notice to the department of *[any new introduction of pollutants or any substantial change in the character or volume of nondomestic pollutants already being introduced. Notice shall include] the following:*

*[A. The origin, quality, and quantity of pollutants to be introduced into the publicly-owned treatment works; and*

*B. Any anticipated impact on the quality and quantity of the effluent to be discharged or on the quality or quantity of the sludge to be disposed of by the treatment works;]*

A. Any new introduction of pollutants into the treatment facility from an indirect discharger which would be subject to Sections 301 or 306 of the Federal Clean Water Act if it were directly discharging those pollutants;

B. Any substantial change in the volume or character of pollutants being introduced into that treatment facility at the time of issuance of the permit; and

C. For purposes of this subparagraph, adequate notice includes information on the following:

(I) The quality and quantity of influent introduced into the treatment facility; and

(II) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment facility;

7. If the permit is for a discharge from a publicly-owned treatment works, the permittee shall be able to identify any introduction of pollutants or substances into the facility that alone or in combination will cause—disruption of the treatment processes, violation of effluent standards *[as defined]* in their operating permit, violation of water quality standards in the receiving stream as defined in 10 CSR 20-7.031, or classification of the residues of the treatment processes as hazardous waste as defined in 10 CSR 25-4.010. In addition, the permittee shall require any industrial user of the treatment *[works] facility* to comply with the requirements of 10 CSR 20-6.100;

8. If a toxic effluent standard, prohibition, or schedule of compliance is established under Section 307(a) of the Federal Clean Water Act for a toxic pollutant in the discharge of permittee's facility and the standard is more stringent than the limitations in the permit, then upon notice to the permittee the more stringent standard, prohibition, or schedule shall be incorporated into the permit as *[one (1) of its conditions] a condition; and*

*[9. Facility expansions, production increases, or process modifications which will in a new or substantially different discharge or sludge characteristics must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new permit, or if the discharge does not violate effluent limitations specified in the permit, by submission of notice to the Department of the changed discharge; and]*

*[10.]9. When a continuing authority under paragraph [(3)](2)(B)1., 2., or 3. is expected to be available for connection [within the next five (5) years], any operating permit issued to a permittee under this paragraph, located within the service area of the paragraph [(3)](2)(B)1., 2., or 3. facility, shall contain the following special condition: [The tributary wastewater flow shall be connected to the continuing authority listed in paragraph (3)(B)1. or 2. within ninety (90) days of notice of availability by the continuing authority.] Permittee shall cease discharge by connection to a facility with an area-wide management plan according to*

*subsection (2)(B) of this rule within the timeframe allotted by the continuing authority with its notice of its availability. The permittee shall obtain departmental approval for closure according to section (11) of this rule or alternate use of these facilities.*

(B) The permit shall contain effluent limitations, *[and]* monitoring requirements. *Other], and terms and conditions [shall be incorporated into permits if the department determines they are]* necessary to assure compliance with the Clean Water Law, related regulations or policies of the Missouri Clean Water Commission.

(9) Prohibitions. No permit shall be issued in the following circumstances:

(A) Where the terms and conditions of the permit do not comply with applicable guidelines or requirements, the Missouri Clean Water Law and Clean Water Commission regulations or the Federal Clean Water Act and federal regulations;

(B) Where the EPA regional administrator has properly objected to the issuance of a permit *[by the director];*

(C) Where the permit conditions cannot ensure compliance with the applicable water quality requirements of all other affected states;

(D) *[Where, in the judgment of the secretary of the army acting through the appropriate district engineer, anchorage and navigation would be substantially impaired;] Where anchorage and navigation would be substantially impaired based on the judgement of the US Army Corps of Engineer's district engineer;*

(E) For the discharge of any radiological, chemical, or biological warfare agent or high level radioactive waste;

(F) For any discharge *[from a point source]* inconsistent with a plan or plan amendment approved under Section 208(b) of the Federal Clean Water Act; or

(G) To a facility which is a new source or a new discharger, if the discharge from the construction or operation of the facility will—

1. Cause or contribute to the violation of water quality standards if the *[point of]* discharge is located in a segment that was an effluent limitation segment, prior to the introduction of the discharge from the new source or *[new]* discharger; or

2. Exceed its pollutant load allocation if the discharge is into a water quality limited segment.

(10) Operating Permit Renewal and Expiration Dates.

(A) *[The first operating permit issued to new sources and new dischargers will be issued for a period of time sufficient only to allow the completion of construction of the facility, but not to exceed five (5) years, but not less than one (1) year. When all construction has been completed, the first] Missouri State operating permits may be issued for a period not to exceed five (5) years.*

(B) Whenever a release or a potential for release from a point source, water contaminant source, or wastewater treatment facility is permanently eliminated, the existing operating permit will be terminated *[upon verification by the department].*

*[(C) Where a person has the permit responsibility for more than one (1) wastewater treatment facility, water contaminant source, or point source involving more than one (1) operating permit, the Department may combine the billings by issuing all operating permits with the same expiration date. Each facility shall continue to operate under and be governed by the separate provisions of each individual permit.*

*(D) When a check used for an application fee is returned to the Department as nonnegotiable, review of the application shall cease and the applicant be notified. No further action shall be taken on the application until the fees have been resubmitted in the form of a cashier's check or money order payable to the state of Missouri.]*

*[(E)](C) Continuation of Expiring Permits.*

1. The terms and conditions of an expired permit are continued

automatically pending issuance of a *[new]* renewed operating permit if—

A. The permittee *[has]* submitted a timely and sufficient application for a *[new]* renewed operating permit under this rule; and

B. The department is unable, through no fault of the permittee, to issue a *[new]* renewed operating permit before the expiration date of the previous permit.

2. Permits continued under paragraph (10)/(E)/(C)1. remain fully effective and enforceable.

(11) Permits Transferable.

(A) Subject to subsection (3)/(2)(A), a construction permit and/or operating permit may be transferred upon submission to the department of an application to transfer signed by the existing owner and/or continuing authority and the new owner and/or continuing authority.

1. Until the time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.

2. To receive a transfer permit, the new owner and/or continuing authority must complete an application according to section (4) and/or section (7) of this rule and demonstrate to the department that the new *[organization is permanent and will serve as the continuing authority for the operation, maintenance, and modernization of the facility]* continuing authority agrees to be responsible for compliance with the permit.

3. The new owner and/or continuing authority shall be responsible for complying with the terms and conditions of the permit upon transfer.

(B) The department, within thirty (30) days of receipt of the application, *[shall]* will notify the new applicant of its *[intent]* decision to revoke and reissue or transfer the permit.

(C) For facilities with construction and/or operating permits that the department is unable to reissue the operating permit within thirty (30) days of the transfer application, the construction and/or operating permit may be transferred to the new permittee if:

1. The current permittee notifies the department at least thirty (30) days in advance of the proposed transfer date;

2. The notice includes a complete application for transfer between the existing and new permittees containing a specific date for transfer of construction and/or permit responsibility, coverage, and liability between them; and

3. The department does not notify the existing permittee and the proposed new permittee of its decision to revoke and reissue or transfer the operating permit. If no objection is received from the department within thirty (30) days of receipt of the notice, the transfer is effective on the date specified in the agreement.

(12) Closure of Treatment Facilities.

(A) Persons who cease operation or plan to cease operation of waste, wastewater, and sludge handling and treatment facilities shall close the facilities in accordance with a closure plan approved by the department.

(B) Closure plans shall address wastewater and sludge removal, dewatering activities, removal of treatment structures, removal of solid waste, or leaving in place as clean fill, site grading and site shaping so that ponding does not occur.

(C) Closure plans shall be submitted to the department no later than ninety (90) days after ceasing operations. The permittee, owner, and/or responsible party shall complete closure activities within the timeframe provided in the closure plan.

*[(B)/(D)]* Operating permits under section (5) (7) of this rule or under 10 CSR 20-6.015 are required until all waste, wastewater, *[and]* wastewater solids/sludges and any solid wastes have been disposed of in accordance with the closure plan approved by the department under subsection (12)/(11)(A) of this rule, and any disturbed areas have been properly stabilized.

(13) General Operating Permits.

(A) The *[director]* department may issue a general operating permit in accordance with the following:

1. The general operating permit *[shall be written to]* covers a category of discharges described in the permit except those covered by *[individual]* site-specific permits within a geographic area. The area *[shall]* corresponds to existing geographic or political boundaries, such as—

A. Designated planning areas under Sections 208 and 303 of the Federal Clean Water Act;

B. City, county, or state political boundaries, or special sewer districts *[chartered by the state]*;

C. State highway systems; and

D. Any other appropriate division or combination of boundaries; and

2. The general operating permit *[shall be written to]* regulates a category of point sources if the sources all—

A. Involve the same or substantially similar types of operations;

B. Discharge the same types of wastes/wastewaters;

C. Require the same effluent limitations or operating conditions;

D. Require the same or similar monitoring; and

E. Are controlled more appropriately, in the opinion of the *[director]* department, under a general operating permit than under *[individual]* site-specific permits.

(B) General operating permits may be issued, modified, revoked, and reissued or terminated in accordance with applicable requirements of this regulation. To be included under a general operating permit, *[a permittee must]* submit an application on forms supplied by the department.

(C) The *[director]* department may require any person authorized by a general operating permit to apply for and obtain a *[n individual]* site-specific operating permit. Any interested person may petition the *[director]* department to take action under this subsection. Cases where a *[n individual]* site-specific operating permit may be required to include, but are not limited to, the following:

1. The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving *[stream]* water;

2. The discharger is not in compliance with the conditions of the general operating permit; and

3. A Water Quality Management Plan containing requirements applicable to these point sources is approved by the department.

(D) Any owner/*[operator]*/continuing authority authorized by a general operating permit may request to be excluded from the coverage of the general operating permit by applying for a *[n individual]* site-specific permit. *[As indicated in section (2) of this rule, the owner/operator shall submit, to the director, an application with reasons supporting the request. The request shall be granted by issuing any individual permit if the reasons cited by the owner/operator are adequate to support the request.]*

1. When a *[n individual]* site-specific operating permit is issued to an owner/*[operator]*/continuing authority otherwise subject to a general operating permit, the applicability of the general operating permit *[to the individual operating permittee]* is terminated automatically on the effective date of the *[individual]* site-specific permit.

2. A source excluded from a general operating permit solely because it already has a *[n individual]* site-specific permit may request that the *[individual]* site-specific permit be revoked and that it be covered by the general operating permit, if it meets all the requirements for coverage. *[Upon revocation of the individual permit, the general permit shall apply to the source. The source shall be included under the general permit only if it meets all the requirements for coverage under the permit.]*

(E) The department may require any person applying for a site-specific permit to obtain a general operating permit.

*[(14) Permit by Rule. The Department shall petition the Clean Water Commission to reopen this rule for public review and comment on a five- (5-) year interval.*

*(A) Hydrostatic Testing. Persons discharging water used for the hydrostatic testing of new petroleum-related oil and gas pipelines and storage tanks in the state of Missouri may discharge to waters of the state without first obtaining a permit if the discharge is de minimis (less than one thousand (<1,000) gallons) or the person takes the following steps:*

*1. Notification. The owner/operator must notify the Department in writing of its intent to conduct hydrostatic test discharge(s) under this rule at least thirty (30) days prior to the first such discharge. This requirement may be met by a one- (1-) time annual notification. Notice shall specify the source of water to be used in the hydrotest and shall identify the location(s) of the pipeline(s) and/or tank(s) to be tested.*

*2. Filing fee. Persons who intend to discharge in accordance with section (14) of this rule must pay a filing fee [of twenty-five dollars (\$25) to the Department with their notification above.*

*3. Discharge limits. The discharge must meet the following limits: <10 mg/l total petroleum hydrocarbons, <100 mg/l total suspended solids, and equal to or between 6.0 and 9.5 standard units pH.*

*4. Sampling and testing requirements. One (1) grab sample shall be taken per discharge during the first sixty (60) minutes of the discharge. The sample shall be analyzed for the pollutants limited by this rule. Sampling and analysis shall be performed in accordance with 10 CSR 20-7.015(9)(A). Total discharge volume shall be documented for each hydrostatic test discharge.*

*5. Analytical report. The owner/operator of the pipeline(s) and/or storage tank(s) on which the hydrostatic tests are performed shall submit an annual report summarizing each discharge, including date, time, test location, analytical results, and total discharge volume, in gallons, by October 28, of each year.*

*6. Exception reporting. If any of the sampling results from the hydrostatic test discharge show any violations of the following discharge limitations, written notification shall be made to the Department within five (5) days of notification of analytical results. Notification shall indicate the date(s) of sample collection, the analytical results, and a statement concerning the revisions or modifications in management practices that are being implemented to address the violation of the limitation that occurred.*

*A. <10 mg/l total petroleum hydrocarbons.*

*B. <100 mg/l total suspended solids.*

*C. pH equal to or between 6.0 and 9.5 standard pH units.*

*7. General requirement. The hydrostatic testing water shall not contain dyes or have a visible sheen indicating the presence of petroleum products.*

*8. Any person who irrigates wastewater from a hydrostatic test may do so under this rule if the notification, filing fee, and annual reporting requirements of paragraphs (4)(A)1., 2., and 4. are met and the irrigation does not result in any discharge to waters of the state. The quality of the irrigated wastewater is not required to meet the limits stated in paragraph (14)(A)6. of this rule.*

*9. The quality of wastewater from a hydrostatic test that is discharged directly to the Mississippi or Missouri Rivers must meet the limits stated in paragraph (14)(A)6. of this rule with the exception of pH which shall be within a range between 6 and 10.*

*(B) The department may require a permit for these discharges if it determines that requiring a permit may better protect the quality of waters of the state.*

*(C) The person(s) discharging under this rule may apply for a permit at any time.*

*(D) This rule does not supersede nor eliminate liability for compliance with county and other local ordinances.*

*(E) Persons discharging under this rule are not required to obtain a separate permit to construct and operate an oil-water separator to aid in meeting limits for hydrostatic wastewater.*

*(F) The department shall maintain records open to the public on all persons claiming coverage under permit by rule. Appeals of permits in accordance with 10 CSR 20-6.020(6) may be received by the Department up to thirty (30) days from the date the Department received notice from the discharger.]*

**(14) Hydrostatic Testing.** Persons discharging water used for the hydrostatic testing of new pipelines and storage tanks are exempt from permitting if the discharge is de minimis (less than one thousand (<1,000) gallons) or the person takes the following steps:

**(A) Discharge Limits.** The discharge must meet the following limits:

**1. 100 mg/L total suspended solids;**

**2. pH:**

**A. Missouri or Mississippi Rivers, in the range from 6.0 to 10.0 standard units; or**

**B. All other waters, in the range from 6.5 to 9.0 standard units;**

**3. 0.32 mg/l ethylbenzene;**

**4. 0.005 mg/L benzene;**

**5. 1.0 mg/L toluene; and**

**6. 10.0 mg/L xylene.**

**(B) Sampling and testing requirements.** One (1) grab sample shall be taken per discharge during the first sixty (60) minutes of the discharge and be analyzed for the pollutants listed in (1)(A) of this rule as well as total discharge volume in gallons per day.

**(C) Exception reporting.** If any of the sampling results from the hydrostatic test discharge show any exceedance of (1)(A) limits, provide written notification, including the date of the sample collection, the analytical results, and a statement concerning the modifications in management practices that are being implemented to address the violation within five (5) days of notification of analytical results to the department.

**(D) The hydrostatic testing water shall not contain dyes or have a visible sheen indicating the presence of petroleum products.**

**(E) Any person who irrigates wastewater from a hydrostatic test may do so under this rule if the irrigation does not result in any discharge to waters of the state. The quality of the irrigated wastewater is not required to meet the limits in (1)(A).**

**(F) Persons discharging under this exemption are not required to obtain a separate permit to construct and operate an oil-water separator to aid in meeting limits for hydrostatic wastewater.**

**(15) Variance Request Process.**

**(A) Water Quality Standards Variance.** Any person, permittee, or group of permittees seeking a variance shall file a petition for variance with the department according to 40 CFR 131.14, as published August 21, 2015 by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004. This rule does not incorporate any subsequent amendments or additions.

**(B) Non-water Quality Standard Variance.** Any person, permittee, or group of permittees seeking a variance shall file a petition for variance with the department according to Section 644.061, RSMo.

**(C) Provisional Variance.**

**1. A provisional variance is a short term, time limited reprieve from limitations, rules, standards, requirements, or order of the director because of conditions beyond the reasonable control**

of the permittee, would result in an arbitrary or unreasonable hardship, and the compliance costs are substantial and reasonably certain.

2. In accordance with 644.062, RSMo, any person or permittee may apply for a provisional variance for limitations, rules, standards, requirements, or orders from the department pursuant to 644.006 through 644.141, RSMo. A provisional variance may not be granted under this regulation for limitations, rules, standards, requirements, or orders from the department pursuant to other statutes. The application for a provisional variance needs to include information in accordance with subsection (15)(A) of this rule.

3. The provisional variance is issued by the department and may be retroactively applied upon permittee request. If a provisional variance is granted, notice will be given using the same method prescribed for operating permits issued by the department in 10 CSR 20-6.020. The department will promptly notify the applicant of the decision in writing and file the decision with the Missouri Clean Water Commission. Granting of a provisional variance is documentation of the department's enforcement discretion. There is no public notice period prior to issuance of a provisional variance. If retroactively granted, the permittee shall submit appropriate modified reports (such as discharge monitoring or those prescribed in a permit) within twenty (20) days of the provisional variance issuance date.

4. Provisional variances will not be granted for the following:

A. In the department's judgement said variance would endanger public health, cause significant harm to aquatic life or wildlife, result in damage to property, or other demonstrable and measurable harm to downstream interests;

B. In anticipation of Federal approval of any changes to a state water quality standard;

C. From the requirement to obtain a permit for an activity, in accordance with 10 CSR 20-6 and Section 644, RSMo;

D. To allow an activity which would otherwise require a permit to begin before the department issues or denies a permit; or

E. To allow a facility to exceed a permit limitation while the department considers an application to modify the permit limitation.

5. A provisional variance may be issued for up to forty-five (45) days, and may be extended once for up to an additional forty-five (45) days. The appropriate length of the provisional variance will be determined at the discretion of the department.

A. Provisional variances may be issued for periods less than forty-five (45) days, or terminated earlier than the length of time specified at issuance, at the permittee's request (assuming that the variance is no longer essential for compliance).

B. The provisional variance may be granted subject to conditions determined necessary by the department. In order to qualify for an extension, a demonstration that the conditions under which the previous variance were granted still exist or are substantially similar.

C. In no case shall a provisional variance be granted to the same facility for more than ninety (90) days within the same calendar year.

6. Should a facility apply for multiple provisional variances or a single variance for the maximum ninety (90) days allowed, a long term plan to eliminate the need for relief from the same limit, rule, standard, requirement, or order, subject to the restrictions set forth above, needs to accompany the request in order for the application to be considered complete.

7. If the provisional variance is issued for a delay of implementation of limitations, rules, standards, requirements, or orders from the department to correct a violation, section 644.042, RSMo, requires the applicant post a performance bond or other security to assure completion of the work covered by the

variance. The proof of financial responsibility may be in the form of a surety bond, CD, or irrevocable letter of credit and be subject to the following:

A. The bond is signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri;

B. The bond remains in effect until the terms and conditions of the variance are met and rules and regulations promulgated pursuant thereto are complied with;

C. It is on file with the department;

D. It is made payable to the department; and

E. If the bond, CD, or letter of credit is cancelled by the issuing agent, submit new proof of financial responsibility within thirty (30) days of cancellation, or the provisional variance will be cancelled.

*AUTHORITY: sections 640.710 and 644.026, RSMo [2000] 2016. Original rule filed June 6, 1974, effective June 16, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Leasue Meyers, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through e-mail to leasue.meyers@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

### PROPOSED AMENDMENT

**10 CSR 20-6.011 Fees.** The department is amending the purpose and section (1) to delete text, add (1)(G), and renumber this section; delete (2)(A) and renumber this section; delete duplicative language in (3)(A), delete (3)(B) and (3)(C), and renumber this section, and remove reference to Appendix A.

*PURPOSE: The department is amending this rule to comply with Executive Order 17-03 under the Red Tape Reduction Initiative and to improve clarity of the rule, reduce redundancy, errors, and unneeded or overly burdensome requirements, address conflicts that exist between the regulation, statutes, and other regulations, and remove references to Appendix A that was removed in 2014.*

*PURPOSE: This regulation explains how the Department of Natural Resources implements fees authorized by the Missouri Clean Water Law. It sets the procedures for collection of fees from permit holders. Fees are collected for state operating permits, several permits, and construction permits. [An appendix to the rule reflects the range of fees that is established under the Missouri Clean Water Law.]*



## (1) Fees—General.

(A) *[Until December 31, 2014, all persons who build, erect, alter, replace, operate, use, or maintain wastewater treatment facilities shall pay the appropriate fees as designated in sections 644.051 to 644.057, RSMo.]* Pursuant to section 644.057, RSMo, beginning on January 1, 2015, *[such persons]* **all persons who build, erect, alter, replace, operate, use, or maintain wastewater treatment facilities shall pay the appropriate fees prescribed by this rule *[(see Appendix A)]*.**

## (B) Definitions.

1. Adjusted design flow. The actual average wastewater flow from a human sewage treatment system. If the average flow is sixty percent (60%) or less than the system's design flow, the average flow may be substituted for the design flow when calculating the permit fee on human sewage treatment facilities *[in Appendix A of this rule]*.

2. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 *[shall]* apply to those terms when used in this regulation.

*[3. Human sewage. Human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances.]*

*[4.]* **3.** Industrial process wastewater. This term as used in section 644.052, RSMo means any water, including storm water, that is regulated under 10 CSR 20-6.200, during manufacturing or processing, which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

*[5.]* **4.** Privately-owned treatment works. A treatment works serving a residential area, restaurant, commercial concern, or other operation that only produces domestic sewage as defined in section 701.025, RSMo.

(C) *[The fees referenced in subsection (1)(A) shall be paid by check, money order, or credit card, made payable to the state of Missouri.]* **Submit fees associated with this rule to the Missouri Department of Natural Resources.** In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency. If payment has not been corrected after fifteen (15) days, the person may be referred to the attorney general's office and assessed late penalties, pursuant to section 644.055, RSMo. When a check used for the payment of a construction fee is returned to the department marked insufficient funds, review of the application shall cease and the applicant shall be notified. If the insufficiency is not corrected after ten (10) days, the application shall be returned as incomplete.

*[(D)]* **Annual operating fees shall be submitted to: Department of Natural Resources, Water Protection Program, PO Box 176, Jefferson City, MO 65102 and construction fees shall be submitted with the application for the construction permit to Department of Natural Resources, Water Protection Program, PO Box 176, Jefferson City, MO 65102.]**

*[(E)]* **(D)** Each payment shall identify the following: National Pollutant Discharge Elimination System (NPDES) permit number, payment period, and applicant, or the permittee name and address. Persons who own or operate more than one (1) facility may submit one (1) check to cover all annual permit fees, but are responsible for submitting the appropriate information to allow proper credit of each permit account.

*[(F)]* **(E)** Annual fees shall be paid in full on their due date *[as defined in section (2) and subsections (3)(A) and (4)(A)]*. Permittees who only discharge intermittently, seasonally, or for a short period of time must pay the entire annual fee. Fees are annual fees and may not be prorated. In the event the discharge is eliminated, the permittee is responsible for requesting termination of the permit. When permits are revoked or denied, the annual fees are forfeit-

ed. It is unlawful to discharge water contaminants into waters of the state without a permit.

*[(G)]* **(F)** Annual fees are the responsibility of the permittee. Failure to receive a statement due to mailing errors, change of address, ownership changes or other reason(s) is not an excuse for failure to remit the fees. Penalties shall be charged as provided in section 644.055, RSMo.

**(G)** Where a person has the permit responsibility for more than one (1) operating permit, the department may combine the billings by issuing all operating permits with the same expiration date. Each facility will continue to operate under and be governed by the separate provisions of each individual permit.

## (2) Fees—Amounts.

*[(A)]* **Persons with operating permits, including but not limited to site-specific permits, general permits, or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections (B) to (F) of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay fees pursuant to subsection (G) of this section. Persons requesting a permit modification shall pay fees pursuant to subsection (H) of this section. Persons requesting water quality certification shall pay fees pursuant to subsection (I) of this section. Persons requesting an anti-degradation review shall pay fees pursuant to subsection (J) of this section. Persons requesting a construction permit shall pay fees pursuant to subsection (K) of this section.]**

*[(B)]* **(A)** A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

1. One hundred fifty dollars (\$150) if the design flow is less than five thousand (5,000) gallons per day;

2. Three hundred dollars (\$300) if the design flow is equal to or greater than five thousand (5,000) gallons per day but less than ten thousand (10,000) gallons per day;

3. Six hundred dollars (\$600) if the design flow is equal to or greater than ten thousand (10,000) gallons per day but less than fifteen thousand (15,000) gallons per day;

4. One thousand dollars (\$1,000) if the design flow is equal to or greater than fifteen thousand (15,000) gallons per day but less than twenty-five thousand (25,000) gallons per day;

5. One thousand five hundred dollars (\$1,500) if the design flow is equal to or greater than twenty-five thousand (25,000) gallons per day but less than thirty thousand (30,000) gallons per day;

6. Three thousand dollars (\$3,000) if the design flow is equal to or greater than thirty thousand (30,000) gallons per day but less than one hundred thousand (100,000) gallons per day.

7. Four thousand dollars (\$4,000) if the design flow is equal to or greater than one hundred thousand (100,000) gallons per day but less than two hundred fifty thousand (250,000) gallons per day; or

8. Five thousand dollars (\$5,000) if the design flow is equal to or greater than two hundred fifty thousand (250,000) gallons per day.

*[(C)]* **(B)** Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay—

1. Five thousand dollars (\$5,000) if the industry is a class IA concentrated animal feeding operation as defined by the commission; or

2. For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

A. Four thousand two hundred dollars (\$4,200) if the design flow is less than one (1) million gallons per day; or

B. Five thousand dollars (\$5,000) if the design flow is equal to or greater than one (1) million gallons per day.

*[(D)]* **(C)** Persons who apply for or possess a site-specific permit

solely for industrial storm water shall pay an annual fee of:

1. One thousand eight hundred dollars (\$1,800) if the design flow is less than one (1) million gallons per day; or

2. Two thousand eight hundred dollars (\$2,800) if the design flow is equal to or greater than one (1) million gallons per day.

**[(E)](D)** Persons who produce industrial process wastewater who are not included in subsections **[(2)](C)** **(2)(B)** or **[(2)](D)** **(2)(C)** of this section shall annually pay—

1. One thousand eight hundred dollars (\$1,800) if the design flow is less than one (1) million gallons per day; or

2. Three thousand dollars (\$3,000) if the design flow is equal to or greater than one (1) million gallons per day.

**[(F)](E)** Persons who apply for or possess a general permit or permit by rule shall pay—

1. For the discharge of storm water from a land disturbance site—

A. Five hundred dollars (\$500) if the site is at least one (1) acre and less than five (5) acres;

B. Six hundred dollars (\$600) if the site is equal to or greater than five (5) acres but less than ten (10) acres;

C. Seven hundred fifty dollars (\$750) if the site is equal to or greater than ten (10) acres but less than twenty-five (25) acres;

D. One thousand five hundred dollars (\$1,500) if the site is equal to or greater than twenty-five (25) acres but less than one hundred (100) acres;

E. Three thousand dollars (\$3,000) if the site is equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

F. Five thousand dollars (\$5,000) if the site is equal to or greater than five hundred (500) acres; and

G. Any permit issued to a public agency or private party for multiple sites shall pay a single fee based upon the estimated acreage of all the sites as follows:

(I) One thousand five hundred dollars (\$1,500) if the sites are less than one hundred (100) acres;

(II) Three thousand dollars (\$3,000) if the sites are equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

(III) Five thousand dollars (\$5,000) if the sites are equal to or greater than five hundred (500) acres;

2. One hundred dollars (\$100) annually for the operation of a chemical fertilizer or pesticide facility;

3. For the operation of an animal feeding operation or a concentrated animal feeding operation—

A. Five thousand dollars (\$5,000) per year for a national pollutant discharge elimination system permit or a Missouri state operating permit for a class IA concentrated animal feeding operation as defined by the commission;

B. Four hundred fifty dollars (\$450) per year for a national pollutant discharge elimination system permit for a class IB concentrated animal feeding operation as defined by the commission;

C. Three hundred fifty dollars (\$350) per year for a national pollutant discharge elimination system permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

D. Three hundred dollars (\$300) per year for a Missouri state operating permit for a class IB concentrated animal feeding operation as defined by the commission; or

E. One hundred fifty dollars (\$150) per year for a Missouri state operating permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

4. Two hundred fifty dollars (\$250) annually for the discharge of storm water from a municipal separate storm sewer system (MS4);

5. Three hundred dollars (\$300) annually for the operation of an aquaculture facility;

6. For discharging publicly owned treatment works which treats only human sewage shall annually pay the fee in subsection **[(G)]** **(F)** based upon the number of service connections to the facility;

7. One hundred fifty dollars (\$150) annually for a permit by rule and for a pesticide applicator permit.

8. Two hundred dollars (\$200) annually for a permit for the discharge of process water or storm water, potentially contaminated by activities not included in paragraphs 1. to 7. of this subsection.

**[(G)](F)** Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, other publicly owned treatment works, or any district formed pursuant to the provisions of section 30(a) of Article VI of the *Missouri Constitution* shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars (\$700) per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly, or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in paragraph 7. of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall be—

1. For customers of sewer systems that serve more than thirty-five thousand (35,000) customers, forty-eight cents (\$0.48);

2. For customers of sewer systems that serve equal to or less than thirty-five thousand (35,000) but more than twenty thousand (20,000) customers, sixty cents (\$0.60);

3. For customers of sewer systems that serve equal to or less than twenty thousand (20,000) but more than seven thousand (7,000) customers, seventy-two cents (\$0.72); or

4. For customers of sewer systems that serve equal to or less than seven thousand (7,000) customers, eighty cents (\$0.80);

5. Three dollars and forty-two cents (\$3.42) for commercial or industrial customers not served by a public water system as defined in Chapter 640, **RSMo**;

6. Three dollars (\$3) per water service connection for all other customers with water service connections of less than or equal to one (1) inch excluding taps for fire suppression and irrigation systems;

7. Eleven dollars (\$11) per water service connection for all other customers with water service connections of more than one (1) inch but less than or equal to four (4) inches, excluding taps for fire suppression and irrigation systems; or

8. Twenty-nine dollars (\$29) per water service connection for all other customers with water service connections of more than four (4) inches, excluding taps for fire suppression and irrigation systems.

**[(H)](G)** For the purpose of permit modification fees, non-substantive changes are those listed as minor modifications in 40 CFR section 122.63. Persons requesting modifications to state operating permits that charge a service connection fee shall pay two hundred dollars (\$200). Persons requesting a modification to an operating permit shall pay:

1. One hundred dollars (\$100) for name changes, address changes, or other non-substantive changes, or for a modification of a general permit; or

2. A fee equal to twenty-five percent (25%) of the annual operating fee assessed for the facility for other changes;

**[(I)](H)** Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of—

1. One hundred fifty dollars (\$150) for a project that requires a Finding of No Significant Impact or other documentation pursuant to the federal National Environmental Policy Act, but does not require an environmental impact statement; or

2. One thousand five hundred dollars (\$1,500) for a project that does require an environmental impact statement, pursuant to the federal National Environmental Policy Act. Applicants shall submit the standard application form for a Section 404 permit as administered

by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued to and accepted by the U.S. Army Corps of Engineers for activities authorized pursuant to a general permit or nationwide permit issued pursuant to section 404 of the *[f]Federal Clean Water Act*.

*[(J)](I)* Persons applying for an anti-degradation review shall pay a fee as follows:

1. Two hundred fifty dollars (\$250) for an anti-degradation review or a water quality review analysis for an existing wastewater treatment plant that will be upgraded;

2. Five hundred dollars (\$500) for an anti-degradation review for a new wastewater treatment plant if the design flow is less than one hundred thousand (100,000) gallons per day; or

3. One thousand dollars (\$1,000) for an anti-degradation review for a new wastewater treatment plant if the design flow is equal to or more than one hundred thousand (100,000) gallons per day;

*[(K)](J)* Persons applying for a construction permit shall pay fee as follows. The applicant shall pay only the highest appropriate fee pursuant to paragraphs 1. to 3. of this subsection, regardless of the extent of additional planned construction as part of the same application.

1. One thousand dollars (\$1,000) for a construction permit for a wastewater treatment plant if the design flow is less than five hundred thousand (500,000) gallons per day;

2. Three thousand dollars (\$3,000) for a construction permit for a wastewater treatment plant if the design flow is equal to or more than five hundred thousand (500,000) gallons per day; or

3. Three hundred dollars (\$300) for a construction permit for a sewer extension of more than one thousand feet (1,000 ft) in length or have two (2) or more lift stations.

*[(L)](K)* Persons applying for a variance shall pay a fee of two hundred fifty dollars (\$250).

### (3) Operating Fees.

(A) All persons who are subject to fees under section 644.052.2, 644.052.4, or 644.052.5, RSMo, shall remit their first annual fee with their original application and pay an annual fee each year on the anniversary date of their permit. Permittees with permits in effect at the time these sections become effective shall remit annual fees on the anniversary date of the permit. *[Persons whose permit is renewed during the duration of these fees shall submit a renewal application one hundred eighty (180) days before their permit expires, but the annual fee shall be paid on the anniversary date.]* The permit issue date that was in effect on October 1, 1990 shall be the anniversary date during the effective period of section 644.052, RSMo.

*[(B)]* Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly-owned treatment works, shall pay an annual fee per water service connection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than seven hundred dollars (\$700) per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly, or annual increments, and shall be remitted to the department no less frequently than annually.

(C) Five percent (5%) of the fees collected pursuant to subsections (2)(B) and (C) of this rule shall be retained by the city, public sewer district, public water district, or other publicly-owned treatment works as reimbursement of billing and collection expenses.]

*[(D)](B)* All persons who require permits, other than a general permit, for facilities that do not normally discharge such as land

application facilities, sludge disposal facilities, agrichemical facilities, and no-discharge facilities are subject to fees as follows:

1. Fees are based on the design flow of the wastewater being handled; and

2. Fees for sludge or solids disposal facilities are based on the combined total design flow of the wastewater treatment facilities from which the sludge or solids are removed.

**AUTHORITY:** section 644.054, RSMo [Supp. 2013] 2016. Emergency rule filed July 27, 1990, effective Sept. 12, 1990, expired Jan. 10, 1991. Original rule filed July 17, 1990, effective Dec. 31, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Jane Davis, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through e-mail to [jane.davis@dnr.mo.gov](mailto:jane.davis@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 a.m. on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

### PROPOSED AMENDMENT

**10 CSR 20-6.015 No-Discharge Permits.** The Clean Water Commission is amending sections (2), (4), and (5).

**PURPOSE:** This rule sets forth the requirements and process of application for non-discharging facility permits and the terms and conditions of the authorizations.

#### (2) General.

(A) All persons who *[build, erect, alter, replace,]* operate, use, or maintain water contaminant sources, point sources facilities for storage, treatment, land application, or disposal of process wastes which are *[designed, constructed and]* operated so as not to discharge to waters of the state or will have infrequent discharges shall apply for *[construction and operating]* permits unless exempted under section (3) of this rule.

#### (4) Permits.

*[(A)]* Permits required by this rule shall be issued in accordance with permit application and processing procedures contained in 10 CSR 20-6.010, 10 CSR 20-6.011, 10 CSR 20-6.020 and 10 CSR 20-6.200.

##### (B) Design Standards.

1. Facilities shall be constructed and operated in accordance with the rules under 10 CSR 20 Chapter 7 and Chapter 8. Exceptions or deviations may be considered by the Department when determined appropriate based upon site-specific factors.

2. Where standards are not available, an engineering report addressing all available environmental data concerning

*potential pollutants and toxic substances shall be submitted in accordance with 10 CSR 20-8.020(3)(D), 10 CSR 20-8.020(15)(F), 10 CSR 20-8.110 and 10 CSR 20-7.031(4)(B).*

*3. Pollutant limitations for land application of sludge or biosolids shall conform to 10 CSR 20-7.015(9)(F).*

*4. Potential pollutant movement to groundwater shall not exceed the limitations in the water quality standards rule under 10 CSR 20-7.031 and the effluent rule under 10 CSR 20-7.015.*

*5. Groundwater monitoring may be required, where determined appropriate by the Department, at land disposal sites or land application sites that receive pollutants in excess of beneficial use limitations or has potential for excess migration of pollutants to waters of the state. Monitoring wells shall be installed in accordance with monitoring well construction standards under 10 CSR 23, Chapter 4.*

*6. Hazardous waste shall not be land applied or disposed except in accordance with the Missouri Hazardous Waste Management Law and regulations under 10 CSR 25.1(C)(B) Permit Conditions.*

1. The department shall develop permit conditions containing limitations, monitoring, reporting, and other requirements to protect soils, crops, surface waters, groundwater, public health, and the environment.

2. The department may establish standard permit conditions and best management practices for land application facilities by following the public participation procedures under 10 CSR 20-6.020.

3. The department may establish a general permit for a category of similar facilities in accordance with 10 CSR 20-6.010(13).

4. Noncontiguous land application sites may be included in the operating permit for a process waste generator or contract hauler as determined appropriate by the department.

5. Whenever feasible or appropriate, all operating permit requirements under 10 CSR 20 Chapter 6 rules shall be incorporated into a single operating permit for each operating location.

6. Applications for permits shall include an engineer's seal affixed to all engineering plans and engineering certifications.

*[7. A water balance barrel test conducted in accordance with 10 CSR 20-8.020(16) shall be required for lagoons or earthen impoundments receiving industrial waste, and engineering certification of the constructed seal shall be submitted as part of the operating permit application.]*

#### (5) Closure of Waste Storage Structures.

(A) No-discharge facilities that cease operation, or plan to close lagoons and other waste storage structures, shall comply with **10 CSR 20-6.010(12)** as well as the following requirements:

*[1. Facilities which cease operation shall continue to maintain a valid operating permit until all lagoons and waste storage structures are properly closed according to a closure plan approved by the Department; and]*

*[2.]1. Facilities that are exempted from permits under this rule and that cease operation shall either close the waste storage structures in accordance with subsection (5)(B) of this rule or [shall] continue to maintain all storage structures so that there is not a discharge to waters of the state.*

(B) Closure Requirements. Lagoons and waste storage structures shall be closed by removal and land application of all wastewater and sludges, or in accordance with an alternate closure plan approved by the department. The removed wastewater and sludges shall be land applied at normal agricultural rates for nitrogen fertilizer not to exceed the maximum nitrogen utilization of the vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state. After removal and proper land application of wastewater and sludge, the earthen basins may be—

1. Demolished by removing the berms, grading, and revegetation of the site so as to provide erosion control; or

2. Left in place for future use as a farm pond or similar uses or reserved for future use as a waste storage structure. To prevent dam-

age to the bottom seal due to drying and weed growth, earthen basins shall be refilled with fresh water as soon as possible, and water depths of three feet (3') or more should be maintained.

*AUTHORITY: section 644.026, RSMo [Supp. 1997] 2016. Original rule filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed June 1, 1995, effective Jan. 30, 1996. Amended: Filed Nov. 3, 1997, effective July 30, 1998. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Greg Caldwell, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to greg.caldwell@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 a.m. on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits**

### **PROPOSED AMENDMENT**

**10 CSR 20-6.020 Public Participation, Hearings, and Notice to Governmental Agencies.** The commission is removing paragraph (1)(C)4., replacing language in section (2) with reference to federal regulations, amending language in section (3) to reference the Missouri Sunshine Law and modifying language in sections (5), (6), and (7) to better reflect statutory requirements pertaining to appeals.

*PURPOSE: This amendment updates the rule to be more consistent with statutory requirements regarding appeals of permit conditions, abatement orders, permit denials and variances. The amendment also removes unneeded or overly burdensome requirements pertaining to the public notice of certain general permits.*

#### (1) Public Participation.

##### (C) Public Notice for General Permits.

1. Public notice of newly created, or the reissuance of an existing statewide general permit shall be prepared by the department in accordance with subsections (1)(B) and (D) of this rule.

2. Public notification of the issuance of any general permit to an applicant will not be required, except for the following general permits:

- A. Airports;
- B. Chemical manufacturing;
- C. Fabricated structured metal;
- D. Foundries;
- E. Limestone and rock quarries;
- F. Lubricant manufacturing;
- G. Petroleum storage greater than fifty thousand (50,000) gallons; and
- H. Wood treaters.

3. For issuance of the first general permit for any newly constructed water contaminant source, point source, or wastewater treatment facility, public notification shall occur in accordance with subsections (1)(B) and (C) of this rule.

[4. Reissuance of general permits to individual facilities shall not require public notification unless the facility was found to have been in significant noncompliance during the time of the previous permit.]

[5.]4. As new general permits are created, the need for an individual facility public notification process shall be determined and identified in the general permit.

(D) The public notice of permit pending will contain at least the following:

1. Name, address, telephone number of the department, and any other places at which interested persons may obtain further information, request copies of the draft permit and the fact sheet, and inspect and copy related forms and documents;

2. Name and address of the applicant and address of the discharger if different from the applicant;

3. Brief description of the applicant's activities or operations which result in the discharge or potential discharge described in the application;

4. Name of watercourse to which the applicant will discharge, a description of the location of the discharge and designation of the discharge as new or existing;

5. A statement of the tentative determination to issue a permit;

6. A brief description of the procedures for making final determination, including the thirty (30)-day comment period and any other means by which interested persons may influence or comment upon the making of the determinations; and

7. The name and address of the office processing the application.

(2) Notice to Other Governmental Agencies. *[The department shall send a copy of the draft permit and accompanying fact sheet the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the Missouri Department of Conservation and to all affected states.]* Notices to governmental agencies shall conform with the requirements in 40 CFR 124.59 "Conditions requested by the Corps of Engineers and other government agencies," January 4, 1989, as published by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408.

*[(A) Each affected state shall be given an opportunity to submit written recommendations to the department and to the regional administrator which the department may incorporate into the permit if issued. If the department does not incorporate these recommendations, it shall send a written explanation to the affected states of the reasons for failing to accept them.]*

*(B) If the appropriate district engineer of the Corps of Engineers advises the director, in writing, during the public comment period that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, the permit shall be denied and the applicant so notified. If the district engineer advises the director that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, then the director shall include the specified conditions of the permit. Review or appeal of a denial of a permit or of conditions specified by the district engineer shall be made through the applicable procedures of the Army Corps of Engineers.]*

(3) Public Access to Information.

*(A) [Applications, draft permits, supporting documents and reports upon those documents shall be available to the public, except for those portions determined to be confidential.] Any information or records submitted or obtained pursuant to Chapter 644, RSMo, may be subject to public disclosure pursuant to Chapter 610, RSMo. Information other than effluent data, support documents or reports contained in any issued permit or document in the water [pollution control] protection program may be*

*made confidential upon a showing that methods or processes entitled to protection as trade secrets would be revealed if the information were made public. The [director] department shall make the final determination of confidentiality.*

*(B) The department shall provide for public inspection and copying of information relating to these documents.*

(5) Time Limits for Appeals for Abatement Orders, Permit Denials and Variances.

*(C) The appeals previously referenced in subsection (5)(A) of this rule may be made by the applicant, permittee, person named in the order or any other person with an interest which is or may be adversely affected. The appeal shall be filed with the [commission secretary of the Clean Water Commission, P.O. Box 176, Jefferson City, MO 65102] Administrative Hearing Commission, 131 W. High St., PO Box 1557, Jefferson City, MO 65101 and shall be received by the [Clean Water] Administrative Hearing Commission prior to expiration of the thirty (30)-day appeal period as computed in subsection (5)(A). The appeal shall be a contested case and shall be conducted under section 644.066, RSMo.*

(6) Time Limits for Appeals of Conditions in Issued Permits.

*(D) The appeals referenced previously in subsection (6)(A) of this rule may be made by the applicant, permittee, or any other person with an interest which is or may be adversely affected. The appeal shall be filed with the [commission secretary of the Clean Water Commission, P.O. Box 176, Jefferson City, MO 65102] Administrative Hearing Commission, 131 W. High St., PO Box 1557, Jefferson City, MO 65101 and shall be received by the [Clean Water] Administrative Hearing Commission prior to expiration of the thirty (30)-day appeal period as computed in subsection (5)(A). The appeal shall be a contested case and shall be conducted under section 644.066, RSMo.*

(7) Appeals made under sections (5) and (6) of this rule shall *[be—]* conform to the requirements of the Administrative Hearing Commission regulation 1 CSR 15-3.350, effective March 30, 2017.

*[(A) An original filed with the secretary of the commission;*

*(B) Signed by the appellant or appellant's legal counsel;*

*(C) Clearly identified as an appeal;*

*(D) Comprised of the following information:*

*1. Full name, address and telephone number of the appellant and any attorney representing the appellant;*

*2. Reasons why the appellant believes the actions of the department or commission should be reversed or modified, including the identification and copy of the order or decision made by the director or commission which gives rise to the appeal;*

*3. Suitable space in the caption for the commission secretary to affix a case number; and*

*4. Acknowledgment that the matter will automatically be set for hearing.*

*(8) Appeals filed under sections (5) and (6) of this rule may contain a request for stay of the conditions appealed.*

*(9) The commission shall construe the provisions of sections (5)-(7) of this rule liberally if the appellant has prepared the complaint without legal counsel.*

*(10) The secretary of the commission shall serve notice of an appeal filed under sections (5) and (6) on the director and all parties to the appeal by delivery or certified mail.]*

*AUTHORITY: section 644.026, RSMo [Supp. 1997] 2016. Original rule filed June 19, 1974, effective June 29, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Tim Bull, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to tim.bull@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 a.m. on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 6—Permits**

**PROPOSED AMENDMENT**

**10 CSR 20-6.070 Groundwater Heat Pump Operating Permits.**  
The Clean Water Commission is amending sections (1)–(5).

**PURPOSE:** *This rule sets forth the requirements and process of application for operating permits and the terms and conditions for the permits.*

**(1) Permits—General Information.**

(A) All persons who build, erect, alter, replace, operate, use, or maintain existing or proposed groundwater heat pump injection/withdrawal wells that inject more than six hundred thousand (600,000) British thermal units (BTUs) per hour (also termed as fifty (50) tons of capacity) shall apply to the department for the permits required by [section 577.155, RSMo] **Missouri Clean Water Law** and these regulations. *[The department shall issue these permits in order to enforce section 577.155, RSMo and the Missouri Clean Water Law and regulations.]*

(B) The following are exempt from permit regulations:

1. Groundwater heat pump injection wells designed for up to eight (8) single family residents where the combined injection rate is less than six hundred thousand (600,000) BTUs per hour;
2. All other groundwater heat pump injection wells that have a combined injection rate of less than six hundred thousand (600,000) BTUs per hour unless there is a potable water well, not owned by the owner of the heat pump, within one thousand feet (1000') which uses the same aquifer, strata or depth as a source;
3. Any sampling well constructed in conjunction with any injection/withdrawal well; and
4. Heat pumps constructed in such a way so as to not utilize groundwater, such as lateral line systems.

(C) Nothing in these regulations shall prevent the department from taking action where the department finds that any activity exempted under subsection (1)(B) causes pollution of waters of the state, places, or permits to be placed, a water contaminant in a place where it is reasonably certain to cause pollution of any waters of the state or the activity otherwise violates [section 577.155, RSMo,] the Missouri Clean Water Law or these regulations.

(D) Drillers of injection/withdrawal wells shall comply with 10 CSR 23-5.060 Construction Standards for Open Loop Heat Pump Systems That Use Groundwater and 10 CSR 23-3 Well Construction Code.

(E) **Within ninety (90) days of notification by the department,**

*[O]owners or operators of injection wells exempted from the permit requirements of subsection (1)(B) are required, upon notification by the department, to submit completed injection well inventory information on forms supplied by the department. [The completed form shall be returned to the department no later than ninety (90) days following the receipt of notification.]*

**(2) Application.**

(A) An application for an original operating permit or renewal of a former operating permit shall be made by letter for each injection/withdrawal well **and shall include each of the following.** The application may be supplemented with copies of information submitted for other federal or state permits. *[Each application must be accompanied by a filing fee of seventy-five dollars (\$75).]*

*[(B) Each application shall contain the following:]*

**1. Appropriate application fee as listed in 10 CSR 20-6.011;**

*[1.]2.* Name and address of the company(s), organization(s), owner(s) or operator of the injection/withdrawal well;

*[2.]3.* Description of structure or process, or both, that will utilize the injection/withdrawal well;

*[3.]4.* Estimated depth of well, aquifer to be used (or anticipated aquifer), casing and related well construction data as recommended by the office of the state geologist;

*[4.]5.* Exact location of the proposed injection withdrawal well and any other wells that exist within two thousand feet (2000') shown on a seven and one-half (7 1/2) minute United States Geological Survey (USGS) topographic quadrangle map. *This map shall also indicate the depth of each well;*

**6. The depth of each well indicated on the map;**

*[5.]7.* Maximum, minimum and average volume of water that will be injected or withdrawn on a daily basis;

*[6.]8.* Maximum, minimum and average temperature differential of injected/withdrawn water;

*[7.]9.* Computations showing how the temperature differentials were calculated;

*[8.]10.* General specifications of the installation including the heat exchange unit, pump and other structures;

*[9.] Application fee of seventy-five dollars (\$75). When a check used for an application is returned to the department as nonnegotiable, review of the application shall cease and the applicant shall be notified. No further action shall be taken on the application until the fees have been resubmitted in the form of a cashier's check or money order payable to the State of Missouri;]*

*[10.]11.* If the injection/withdrawal well is located within one thousand feet (1000') of any potable water well, *[the application shall include]* a registered professional geologist's or registered professional geologic engineer's recommendation and justification on the number and location of sampling wells if any are deemed necessary, and an estimate of the effect, in degrees Fahrenheit (F°), on all wells located within one thousand feet (1000'); and

*[11.]12.* A copy of the certified heat pump well drillers' report to the Department of Natural Resources' *[Division of Geology and Land]* **Missouri Geological Survey.**

*[(C)](B)* All applications must be signed as follows:

1. For a corporation—by an officer of at least the level of plant manager;

2. For a partnership or sole proprietorship—by a general partner or the proprietor; or

3. For a municipal, state, federal or other public facility—by either a principal executive officer or ranking public official or his/her designee.

*[(D)](C)* All other reports required by the department shall be signed by a person designated in subsection (2)/(C)/(B) of this rule or a duly authorized representative, where—

1. The representative so authorized is responsible for the overall operation of the facility from which the injection/withdrawal occurs; and

2. The authorization is made in writing by a person designated in subsection (2)/(C)/(B) of this rule and is submitted to the director.

[(E)/(D) Any changes in the written authorization which occur after the issuance of a permit shall be reported to the department by submitting a new written authorization which meets the requirements of subsection (2)/(D)/(C) of this rule.

[(F)/(E) If an application is incomplete or otherwise deficient, the applicant *[shall]* **will** be notified of the deficiency and processing of the application may be discontinued until the applicant has corrected all deficiencies.

[(G)/(F) *Applications shall be mailed*] **Mail applications** to Water Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102.

### (3) Operating Permits.

(A) *[Persons who build, erect, alter, replace, operate, use or maintain groundwater heat pump injection/withdrawal wells that are not exempted shall obtain an operating permit from the department.] In order to obtain an operating permit for groundwater heat pump injection/withdrawal wells, applications for an operating permit shall be submitted to the department in accordance with the timeframes listed in section 644.051, RSMo and 10 CSR 20-6.010.*

(B) *[Applications for an original operating permit must be received by the department at least one hundred twenty (120) days before construction of the injection/withdrawal well begins. Applications shall include the earliest date on which the injection/withdrawal is to begin. The department will issue or deny the permit within one hundred twenty (120) days of receipt of the complete application as specified in section (2). No person shall operate an injection/withdrawal well without a valid operating permit, unless s/he is exempted under subsection (1)/(B).] Prior to issuance of an operating permit, the department shall fulfill the public notice requirements as outlined in 10 CSR 20-6.020.*

[(C) *Applications for the renewal of operating permits must be received at least one hundred twenty (120) days before the expiration date of the present operating permit. The department will issue or deny the permit within one hundred twenty (120) days of receipt of the complete application as specified in section (2).*

(D) *The public notice requirements at 10 CSR 20-6.020 shall apply.]*

### (4) Terms and Conditions of Permit.

(A) The following shall be incorporated as terms and conditions of all permits:

1. All injection/withdrawals shall be consistent with the terms and conditions of the permit;

2. The permit may be modified or revoked after reasonable notice for causes including, but not limited to:

A. A violation of any term or condition of the permit;

B. A misrepresentation or failure to disclose fully all relevant facts in obtaining a permit;

C. A change in the operation, size or capacity of the permitted facility; or

D. An increase of more than ten degrees Fahrenheit (10°F) in any nearby potable water well that was in existence when the original operating permit was issued.

3. The injection/withdrawal permit may be issued for a period up to five (5) years. *The permit may not be modified so as to extend the term of the permit beyond five (5) years after its issuance*, in accordance with section 644.051, RSMo and 10 CSR 20-6.010;

4. Permittees shall operate and maintain facilities to comply with *[section 577.155, RSMo,]* the Missouri Clean Water Law, corresponding regulations and applicable permit conditions;

5. For the purpose of inspecting for compliance with the Clean

Water Law and these regulations, authorized representatives of the department shall be allowed by the permittee, upon presentation of credentials and at reasonable times, to—

A. Enter upon permittee's premises in which a groundwater heat pump injection/withdrawal well is located or in which any records are *[required to be]* kept under terms and conditions of the permit;

B. Have access to, or copy, any records *[required to be]* kept under terms and conditions of the permit;

C. Inspect any sampling wells, monitoring equipment or method *[required]* listed in the permit; and

D. Sample for permit compliance;

6. Facility expansions, production increases or process modifications which will result in a new or substantially different injection/withdrawal must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new permit, or by submission of notice to the department;

7. Copies of well location, driller's logs, sample logs, casing schedule, volume of water, temperature, water quality and other information developed or determined for the completed installation shall be sent to the Missouri Department of Natural Resources (DNR), Water Pollution Control Program and *[to the Missouri DNR, Division of Geology and Land]* Missouri Geological Survey;

8. **Measure and record** *[M]*maximum, minimum and average water temperature *[measurements shall be made and recorded]* monthly for each injection/withdrawal well and each monitoring well;

9. **Measure and record** *[M]*maximum, minimum and average injection/withdrawal rates *[shall be measured and recorded]* monthly;

10. **Measure and record** *[T]*total dissolved solids *[shall be measured and recorded]* monthly for each injection/withdrawal well and each monitoring well; and

11. A yearly report *[shall be submitted]* to the *[agencies listed in paragraphs (4)(A)4. And 7.] Department of Natural Resources' Water Protection Program and Missouri Geological Survey*, which contains the following information:

A. Volume of water withdrawn and injected;

B. Temperature records for each monitoring well; and

C. Copies of water quality analyses performed.

### (5) Prohibitions.

(A) No permit shall be issued *[where the terms and conditions of the permit do not comply with applicable guidelines or requirements of section 577.155, RSMo the Missouri Clean Water Law and corresponding regulations or the Federal Clean Water Act and federal regulations.]:*

**1. Where the terms and conditions of the permit do not comply with applicable guidelines or requirements of the Missouri Clean Water Law and corresponding regulations or the Federal Clean Water Act and federal regulations;**

[(B)]2. *[No permit shall be issued w/Where the permit conditions do not ensure compliance with the applicable water quality requirements of any other affected states/.];*

[(C)]3. *[No permit shall be issued f/For the discharge of any pollutant, except thermal discharges; those pollutants contained in the withdrawal water may be reinjected/.];*

[(D)]4. *[No permit shall be issued f/For the discharge of any radiological, chemical or biological warfare agent or radioactive waste/.]; and*

[(E)]5. *[No permit shall be issued f/For the construction or operation of a new injection/withdrawal well which could degrade the usefulness of water withdrawn from earlier permitted wells.*

### (6) Permits Transferable.

(A) Subject to section (3), an operating permit may be transferred



upon submission to the department of an application to transfer signed by a new owner. Until, such time as the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.

(B) The department, within thirty (30) days of receipt of the application, shall notify the new applicant of its intent to revoke and reissue or transfer the permit.

**AUTHORITY:** section [577.155] **644.026**, RSMo [1994] **2016**. Original rule filed Nov. 10, 1980, effective April 11, 1981. Amended: Filed March 9, 1984, effective Oct. 1, 1984. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Jacob Faulkner, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [Jacob.faulkner@dnr.mo.gov](mailto:Jacob.faulkner@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 a.m. on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 20—Clean Water Commission**

#### **Chapter 6—Permits**

#### **PROPOSED AMENDMENT**

**10 CSR 20-6.090 Class III Mineral Resources Injection/Production Well Operating Permits.** The Clean Water Commission is amending sections (1)–(6) and (8).

**PURPOSE:** This regulation controls the construction and operations of mineral resources injection/production wells.

#### **(1) Permits—General.**

(A) This rule *[shall apply]* **applies** to Class III injection/production wells used for the extraction of minerals including:

1. Sulfur mining by the Frasch process;
2. *In-situ* production of uranium or other metals. This category includes only *in-situ* production from ore bodies which have not been conventionally mined;
3. *In-situ* combustion of fossil fuel; fossil fuels include coal, tar sands, oil shale, and any other fossil fuel which can be mined by this process; and
4. Solution mining of salts or potash.

(C) All persons who build, erect, alter, replace, operate, use, or maintain existing or proposed Class III injection/production wells shall apply to the department for **applicable** permits *[required by these regulations]* using application forms provided by the department. *[The department shall issue these permits in order to enforce the Missouri Clean Water Law and regulations.]*

(D) Nothing in these regulations shall prevent the department from taking action where the department finds that any activity that places, or permits to be placed, a water contaminant where it is reasonably certain to cause pollution of any waters of the state, or the activity otherwise violates Chapter 644, RSMo, the Missouri Clean Water

Law, or these regulations.

(G) Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under these regulations for a period extending from the date the application is signed to the date the permit expires **for at least three (3) years**. *[The records shall be maintained at least three (3) years from the date the application is signed.]*

#### **(2) Application.**

(A) An application for an operating permit shall be made for each injection/production well **including each of the following items**. The application may be supplemented with copies of information submitted for other federal or state permits.

*[(B) Each application shall contain the following:]*

1. *[Name and address of the companies, organization(s), owner(s) or operators of the proposed well, ownership status and status as a federal, state, private or other entity]* **All items listed in 10 CFR 144.31(e);**

*[2. The activities conducted by the applicant which require the applicant to obtain permits under the Resource Conservation and Recovery Act (RCRA), the Underground Injection Control (UIC) program under the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) program under the Clean Water Act or the Prevention of Significant Deterioration (PSD) program under the Clean Air Act;*

3. *Name, mailing address and location of the facility for which the application is submitted;*

4. *Up to four (4) standard industrial classification (SIC) codes which best reflect the principal products or services provided by the facility;*

5. *A listing of all permits or construction approvals received or applied for under any of the following programs:*

A. *Hazardous Waste Management program under RCRA;*

B. *UIC program under the Safe Drinking Water Act;*

C. *NPDES program under the Clean Water Act;*

D. *PSD program under the Clean Air Act;*

E. *Nonattainment program under the Clean Air Act;*

F. *National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;*

G. *Dredge and fill permits under Section 404 of the Clean Water Act; or*

H. *Other relevant environmental permits, including state permits;*

*[6.]2. Description of the process that will be used for the mineral extractions, including injection/withdrawal procedures;*

*[7.]3. Estimated depth of the well, casing lengths and weights, intervals to be cemented, and related well construction data as recommended by the office of the state geologist;*

*[8. Exact location of the well including a legal description to the nearest section line as determined by a registered surveyor, a narrative description using locally recognized features and an accompanying topographic or similar map extending one (1) mile beyond the boundary of the facility property depicting the facility and each of its intake and discharge structures, each of its treatment, storage or disposal facilities, each well where fluids from the facility are injected underground and those wells, springs, surface water bodies and drinking water wells listed in public records or otherwise known to the applicant within one-quarter (1/4) mile of the facility property boundary;*

9. *A brief description of the nature of the business; ]*

*[10.]4. Maximum and average volume of injected fluids and injection pressure that will be used on a daily basis;*

*[11.]5. [Application fee of seventy-five dollars (\$75). When a check used for an application is returned to the*

*department as nonnegotiable, review of the application shall cease and the applicant shall be notified. No further action shall be taken on the application until the fees have been resubmitted in the form of a cashier's check or money order payable to the state of Missouri.] **Appropriate application fee as listed in 10 CSR 20-6.011;***

*[12.]6. Recommendation and justification on the number and location of sampling wells by a registered professional engineer or a qualified geologist as defined by sections 256.501 and 256.503, RSMo;*

*[13.]7. Where injection is into a formation which contains water with less than ten thousand milligrams per liter (10,000 mg/l) total dissolved solids (TDS), monitoring wells shall be *[completed into the injection zone and into any underground sources of drinking water above the injection zone which could be affected by the mining operation. These wells shall be located in a fashion as to detect any excursion of injection fluids, process by-products or formation fluids outside the mining area or zone. If the operation may be affected by a subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected;]**

**A. Completed into the injection zone and into any underground sources of drinking water (USDW) above the injection zone which could be affected by the mining operation;**

**B. Located in a fashion as to detect any excursions of injection fluids, process by-products, or formation fluids outside the mining area or zone; and**

**C. Located as not to be physically affected by a subsidence or catastrophic collapse;**

*[14.]8. Where injection is into a formation which does not contain water with less than ten thousand (10,000) mg/l TDS, no monitoring wells are necessary in the injection zone;*

*[15.]9. Where the injection wells penetrate an underground source of drinking water (USDW) in an area subject to subsidence or catastrophic collapse, an adequate number of monitoring wells shall be *[completed into the USDW to detect any movement of injected fluids, process by-products or formation fluids into a USDW. The monitoring wells shall be located outside the physical influence of the subsidence or catastrophic collapse;]**

**A. Completed into the USDW to detect any movement of injected fluids, process by-products, or formation fluids into a USDW; and**

**B. Located as not to be physically affected by a subsidence or catastrophic collapse;**

*[16.]10. In determining the number, location, construction, and frequency of sampling of the monitoring wells, **consider** the following criteria *[shall be considered]*:*

**A. Population relying on the USDW affected or potentially affected by the injection operation;**

**B. Proximity of the injection operation to points of withdrawal of drinking water;**

**C. Local geology and hydrology;**

**D. Operating pressures and whether a negative pressure is being maintained;**

**E. Nature and volume of the injected fluid, the formation water, and the process by-products; and**

**F. Injection well density;**

*[17.]11. Map(s) describing an area of review for each Class III injection/production well or group of wells. The area of review shall be determined by a registered professional engineer or a qualified geologist as defined by sections 256.501 and 256.503, RSMo. The area of review *[shall be]* **is defined as** that area the radius of which is determined by the lateral distance from a Class III injection/production well or perimeter of a group of wells in which the pressure in the injection zone may cause the migration of injection or formation, or both, fluid into a USDW or into an improperly constructed, plugged or abandoned well or test hole.*

**A. The radius of the area of review may be calculated using a mathematical model (for example, modified Thesis equation) *[and shall be calculated]* for an injection time period at least equal to the expected life of the well(s). The owner or operator must demonstrate to the director that the mathematical model used and the calculated area of review are appropriate for the known hydrologic properties of the underlying formations.**

**B. A fixed radius around the well or the perimeter of a group of wells of not less than one-half (1/2) mile may be used. In determining the fixed radius, the following factors shall be taken into consideration: chemistry of injected and formation fluids, hydrogeology, population and groundwater use and dependence, and historical practices in the area.**

**C. If the area of review is determined by a mathematical model pursuant to subparagraph (2)(B)8.A., the permissible radius is the result of the calculation even if it is less than one-half (1/2) mile.**

**D. Nothing in this section *[shall]* **will** prevent the director from imposing alternate areas of review when geologic or hydrologic conditions render a calculated or fixed area a potential threat to an underground source of drinking water;**

*[18.]12. **Submit with the application** *[A/a mapped and tabulated inventory of all known water supply, injection/production, abandoned and test wells, including field names or numbers and locations of the wells, public water systems, within the area of review and a separate tabulation of all the wells, which penetrate the injection zone listing each well's type, construction method, date drilled, location, depth, and record of plugging or completion, or both, *[shall be submitted with the applications and shall include]* including a description of all corrective action(s) proposed to be performed to render wells penetrating the injection zone sealed, plugged, or otherwise impervious to the migration of fluids into or between well bores, USDWs, or different aquifers. The applicant is responsible for the inventory and corrective action requirements of this section and shall extend every reasonable effort to locate all wells within the area of review of the applicant well(s);]**

*[19.]13. A plan for plugging and abandonment. Where the plan meets the requirements of this paragraph, the director *[shall]* **will** incorporate it into the permit as a condition. Where the director's review of an application indicates that the permittee's plan is inadequate, the director *[shall]* **will** require the applicant to revise the plan, prescribe conditions meeting the requirements of this paragraph, or deny the application. For purposes of this paragraph, temporary intermittent cessation of injection operations is not abandonment;*

*[20.]14. Prior to granting approval for the plugging and abandonment of a Class III well, the director *[shall]* **will** consider the following information:*

**A. The type and number of plugs to be used;**

**B. The placement of each plug, including the elevation of the top and bottom;**

**C. The type, grade, and quantity of cement to be used; and**

**D. The method of placement of the plugs;**

*[21.]15. The permittee is required to maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the director. The permittee must show evidence of financial responsibility to the director by the submission surety bond or other adequate assurance such as financial statements or other materials acceptable to the director;*

*[22.]16. Maps and cross-sections indicating the vertical limits of all USDWs within the area of review, their position relative to the injection formation, and the direction of water movement, where known, in every underground source of drinking water which may be affected by the proposed injection;*

*[23.]17. Maps and cross-sections detailing the geologic structure of the local area;*

*[24.]18. Generalized map and cross-sections illustrating the regional geologic setting;*

*[25.]19. Qualitative analysis and ranges in concentrations of all*

constituents of injected fluids. The applicant may request confidentiality as specified in subsection (1)(E). If the information is proprietary, an applicant, in lieu of the ranges in concentrations, may choose to submit maximum concentrations which shall not be exceeded. In this case the applicant shall retain records of the undisclosed concentrations and provide them upon request to the director as part of any enforcement investigation;

**[26.]20.** Proposed formation testing program to obtain the information required by paragraph (2)(I)4.;

**[27.]21.** Proposed stimulation program;

**[28.]22.** Schematic or other appropriate drawings of the surface and subsurface construction details of the well;

**[29.]23.** Plans, including maps, for meeting the monitoring requirements of subsection (4)(D);

**[30.]24.** Expected changes in pressure, native fluid displacement, and direction of movement of injection fluid;

**[31.]25.** Contingency plans to cope with all shut-ins or well failures so as to prevent the migration of contaminating fluids into the USDW;

**[32.]26.** A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug, or abandon the well as required by paragraph (2)(B)19.;

**[33.]27.** The corrective action proposed to be taken under paragraph (2)(B)18.;

**[34.]28.** Where the injection zone is a formation which is naturally water-bearing, the following information concerning the injection zone shall be determined or calculated for new Class III wells or projects:

- A. Fluid pressure;
- B. Fracture pressure; and
- C. Physical and chemical characteristics of the formation fluids;

**[35.]29.** Where the injection formation is not a water-bearing formation, only the information in subparagraph (2)(B)34.B. must be submitted;

**[36.]30.** Where the permittee becomes aware that s/he failed to submit any relevant facts in a permit application, or has submitted incorrect information in a permit application or in any report to the director, the permittee shall promptly submit the facts or information; and

**[37.]31.** Data sufficient to allow the department to carry out aquifer exemption procedures under the Safe Drinking Water Act, UIC program. The information shall be sufficient to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis for the amenability of the mining zone to the proposed mining method, and a timetable of planned development of the mining zone shall be considered by the director.

**[(C)](B)** All applications must be signed as follows:

1. For a corporation—by an officer of at least the level of plant manager;
2. For a partnership or sole proprietorship—by a general partner or the proprietor; or
3. For a municipal, state, federal, or other public facility—by either a principal executive officer or ranking public official or his/her designee.

**[(D)](C)** All other reports required by the department shall be signed by a person designated in subsection (2)[(C)](B) of this rule or a duly authorized representative, where—

1. The representative so authorized is responsible for the overall operation of the facility from which the injection/withdrawal occurs; and

2. The authorization is made in writing by a person designated in subsection (2)[(C)](B) of this rule and is submitted to the director.

**[(E)](D)** Any changes in the written authorization which occur

after the issuance of a permit shall be reported to the department by submitting a new written authorization which meets the requirements of subsection (2)(C)[(D)] of this rule.

**[(F)](E)** If an application is incomplete or otherwise deficient, the applicant *[shall]* will be notified of the deficiency, and processing of the application may be discontinued until the applicant has corrected all deficiencies.

**[(G)](F)** Any person signing a document under subsection (2)(C) or (D) shall make the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

**[(H)](G)** *[Applications shall be mailed]* Mail applications to Water Pollution Control Program, P./O./ Box 176, Jefferson City, MO 65102.

**[(I)](H)** Prior to granting approval for the operation of a Class III well, the director *[shall]* will consider the following information:

1. All available logging and testing data on the well;
2. A satisfactory demonstration of mechanical integrity;
3. The anticipated maximum pressure and flow rate at which the permittee will operate;
4. The results of the formation testing program;
5. The actual injection procedures; and
6. The status of corrective action on defective wells in the area of review.

(3) Operating Permits.

**(A)** *[Persons who build, erect, alter, replace, operate, use or maintain Class III injection/production wells shall obtain an operating permit from the department.] In order to obtain an operating permit for Class III injection/production wells, application for an operating permit shall be submitted to the department in accordance with the timeframes listed in section 644.051, RSMo and 10 CSR 20-6.010.*

**[(B)]** *Applications for an original operating permit must be received by the department at least sixty (60) days before construction of the well begins. Applications shall include the earliest date on which injection/production is to begin. The department will issue or deny the permit within sixty (60) days of receipt of the complete application as specified in section (2). No person shall operate an injection/production well without a valid operating permit. If the department fails to issue or deny the permit within the allotted time, the applicant may request a hearing before the Missouri Clean Water Commission. The commission may either require the department to issue or deny the permit at, or within, a specified time following the hearing or extend the permit review period another sixty (60) days following the hearing.*

**(C)** *Applications for the renewal of operating permits must be received at least sixty (60) days before the expiration date of the present operating permit. The department will issue or deny the permit within sixty (60) days of receipt of the application.]*

**[(D)](B)** The director may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells—

1. Described and identified by location in permit application(s) if they are existing wells, except that the director may accept a single description of wells with substantially the same characteristics;

2. Located within the same well field, facility site, reservoir, project, or similar unit in the same state; *[and]*

3. Operated by a single owner or operator[.];

**[(E)]4.** Area permits *[shall]* will specify—

*[1./A.* The area within which underground injections are authorized; and

*[2./B.* The requirements for construction, monitoring, reporting, operation, and abandonment for all wells authorized by the permit.

*[(F)]5. [The a/Area* permits may authorize the permittee to construct and operate, convert, or plug and abandon wells within the permit area provided—

*[1./A.* The permittee notifies the director at a time as the permit requires;

*[2./B.* The additional well satisfies the criteria in subsection (3)(D) and meets the requirements specified in the permit under subsection (3)(E); and

*[3./C.* The cumulative effects of drilling and operation of additional injection wells are considered by the director during evaluation of the area permit application and are acceptable to the director.

*[(G)](C)* If the director determines that any well constructed pursuant to subsection (3)(F) does not satisfy any of the requirements of paragraphs (3)(F)1. and 2., the director may modify or terminate the permit or take enforcement action. If the director determines that cumulative effects are unacceptable, the permit may be modified or terminated.

#### (4) Terms and Conditions of Permits.

(A) The following shall be incorporated as terms and conditions of all permits:

1. All operations shall be consistent with the terms and conditions of the permit *[and shall comply with the Clean Water Law; corresponding regulations and applicable permit conditions];*

2. The permit may be modified or revoked after reasonable notice for causes including, but not limited to:

A. Material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance, which justify the application of permit conditions that are different or absent in the existing permit;

B. New information received by the director, including information indicating that cumulative effects on the environment are unacceptable;

C. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

D. Good cause, as determined by the director, exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy; and

E. Notification of a proposed transfer of the permit has been received by the director;

3. Suitability of the facility will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance;

4. The permit may be issued for a period of up to five (5) years **in accordance with section 644.051, RSMo and 10 CSR 20-6.010.** *[The permit may not be modified so as to extend the term of the permit beyond five (5) years after its issuance.]* If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit prior to the expiration date of the permit in effect;

5. The director may terminate a permit during its term or deny a permit renewal application for the following causes:

A. Noncompliance by the permittee with any condition of the permit;

B. The permittee's failure in the application or during the per-

mit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time; or

C. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

6. For the purpose of inspecting for compliance with the Clean Water Law and these regulations, authorized representatives of the department shall be allowed by the permittee, upon presentation of credentials and at reasonable times, to—

A. Enter upon permittee's premises in which Class III injection/production well is located or in which any records are *[required to be]* kept under terms and conditions of the permit;

B. Have access to or copy, any records *[required to be]* to be kept under terms and conditions of the permit;

C. Inspect any sampling wells, monitoring equipment, or method *[required]* listed in the permit; and

D. Sample for permit compliance;

7. Facility expansions, production increases or process modifications which will result in a new substantially different operation must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new permit or by submission of notice to the department;

8. Copies of well location, driller's logs, sample logs, casing schedule, volume of water, temperature, water quality, cement records, and other information developed or determined for the completed installation shall be sent to the Missouri Department of Natural Resources, Water Pollution Control Program and to the Missouri Department of Natural Resources, Division of Geology and Land Survey;

9. **Measure and record** *[M]*maximum and average injection/withdrawal volumes and pressures *[shall be measured and recorded]* semi-monthly;

10. **Measure and record** *[T]*total dissolved solids *[shall be measured and recorded]* semi-monthly for each injection/production well and each monitoring well;

11. **Submit** *[A]*a quarterly report *[shall be submitted]* to the agencies listed in paragraph (4)(A)8. which contains the following information:

A. Volume and pressure of fluids injected and withdrawn; and

B. Copies of water quality analyses performed; and

12. Information on compliance and noncompliance shall be submitted **by the permittee** as follows:

A. **[Reports of]** **No later than thirty (30) days following each compliance schedule date, submit in writing** compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule pertaining to this permit *[shall be submitted no later than thirty (30) days following each schedule date. The permittee shall report any noncompliance which may endanger health or the environment, including information which indicates that any contaminant may cause an endangerment to a USDW, or noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs. This information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission also shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and]*

B. **Within twenty-four (24) hours of becoming aware of the circumstances, report orally any noncompliance which may endanger health or the environment, including information**

which indicates that any contaminant may cause an endangerment to a USDW, or noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs.

C. Within five (5) days of becoming aware of the circumstances, report in writing a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and

*[B./D. [The permittee shall report] With the next scheduled monitoring report, submit in writing all instances of noncompliance not reported under other sections of this rule [at the time monitoring reports are submitted. The reports shall contain], including the information listed in subparagraph (4)(A)12.A. through C.*

(B) No owner or operator shall construct, operate, maintain, convert, plug, or abandon any Class III injection/production well or conduct any other activity in a manner that allows the movement of fluid containing any contaminant into USDWs. The applicant for a permit shall have the burden of showing that the requirements of this section are met through a demonstration of mechanical integrity/. *Demonstration of the absence of significant leaks shall utilize at least one (1) of the following procedures: a pressure test with liquid or gas; monitoring of annulus pressure in wells injecting at a positive pressure following an initial pressure test; or any other test(s) that the state geologist considers effective. Demonstration of the absence of significant migration of fluids in channels adjacent to the well bore shall utilize at least two (2) of the following procedures: noise logs, temperature surveys, cement records demonstrating the presence of adequate cement to prevent migration (used only if the nature of casing precludes the use of noise logs or temperature surveys); or any other test(s) approved by Environmental Protection Agency (EPA) and that the state geologist considers effective. Mechanical integrity must be demonstrated before operations may begin. Documentation of successful demonstration of mechanical integrity shall be submitted to the department or the department may witness the demonstrations. Scheduling of witnessed demonstrations of mechanical integrity shall be at the reasonable convenience of the applicant. Nothing in this rule shall prevent the director from rescheduling a test at a reasonable time convenient to the applicant when necessary to allow department personnel to witness the test(s).]* by completing each of the following:

1. Demonstrate the absence of significant leaks utilizing at least one (1) of the following procedures: a pressure test with liquid or gas; monitoring of annulus pressure in wells injecting at a positive pressure following an initial pressure test; or any other test(s) that the state geologist considers effective.

2. Demonstrate the absence of significant migration of fluids in channels adjacent to the well bore utilizing at least two (2) of the following procedures: noise logs, temperature surveys, cement records demonstrating the presence of adequate cement to prevent migration (used only if the nature of casing precludes the use of noise logs or temperature surveys); or any other test(s) approved by Environmental Protection Agency (EPA) and that the state geologist considers effective.

3. Demonstrate mechanical integrity before operations may begin by submitting documentation of successful demonstrations of mechanical integrity, or by allowing department personnel to witness the demonstrations. Scheduling of witnessed demonstrations of mechanical integrity may be at the reasonable convenience of the applicant. Nothing in this rule will prevent the director from rescheduling a test at a reasonable time convenient to the applicant when necessary to allow department personnel to

witness the test(s).

(D) Monitoring requirements, at a minimum, shall specify—

1. Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis *[required by]* **completed in accordance with** paragraph (2)(B)25. is incorrect or incomplete, a new analysis *[as required by]* **in accordance with** paragraph (2)(B)25. shall be provided to the director;

2. Monitoring of injection pressure and either flow rate or volume semi-monthly, or metering and daily recording of injected and produced fluid volumes as appropriate;

3. Monitoring of the fluid level in the injection zone semi-monthly where appropriate and monitoring of the parameters chosen to measure water quality in the monitoring wells *[as required by]* **in accordance with** paragraph (2)(B)13. semimonthly; and

4. Quarterly monitoring of wells *[as required by]* **in accordance with** paragraph (2)(B)15.

(5) Prohibitions.

(A) No permit shall be issued *[where the terms and conditions of the permit do not comply with applicable guidelines or requirements of the Clean Water Law and corresponding regulations or relevant federal laws.]:*

1. Where the terms and conditions of the permit do not comply with applicable guidelines or requirements of the Clean Water Law and corresponding regulations or relevant federal laws.

*[(B)]2. [No permit shall be issued w/Where the permit conditions do not ensure compliance with the applicable water quality requirements of any other affected states.*

*[(C)]3. [No permit shall be issued f/For the discharge of any pollutant not necessary to the extraction process, except thermal discharges; those produced pollutants contained in the formation water may be reinjected into a formation of the same TDS concentration.*

*[(D)]4. [No permit shall be issued f/For the discharge of any radiological, chemical, or biological warfare agent or radioactive waste.*

*[(E)]5. [No permit shall be issued f/For the construction or operation of a new injection/production well which would degrade the usefulness of water withdrawn from earlier permitted wells.*

*[(F)]6. [No permit shall be issued f/For a well utilizing annular injection or production.*

*[(G)](B) No well shall be operated so that fluid pressures in the injection zone exceed the fracture pressure calculated or known for that formation.*

*[(H)](C) New injection wells may not commence injection until construction is complete and—*

1. The permittee has submitted notice of completion of construction to the director and—

A. The director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or

B. The permittee has not received notice from the director of the intent to inspect or otherwise review the new injection well within thirteen (13) days of the date of the notice in paragraph (5)(H)1. of this rule, in which case prior inspection or review is waived and the permittee may commence injection.

(I) No operation shall commence until corrective actions outlined in paragraph (2)(B)18. and those required by the department have been completed.

(6) Class III Injection/Production Well Construction Requirements.

(A) All new injection/production wells shall *[be cased and cemented to prevent the migration of fluids into or between USDWs or potential sources of drinking water. The casing and cement used in construction of each newly drilled well shall be designed for the life of the well. In determining and*

specifying casing and cementing requirements, the following factors shall be considered] meet each of the following conditions:

1. Depth to the injection/production zone;
2. Injection pressure, external pressure, internal pressure, axial loading;
3. Borehole size;
4. Size and grade of all casing strings including wall thickness, diameter, nominal weight, length, joint specification and construction material;
5. Corrosiveness of injection/production and formation fluids or combinations;
6. Lithology of injection/production and confining zones; and
7. Type and grade of cement.]

1. Wells are cased and cemented to prevent the migration of fluids into or between USDWs or potential sources of drinking water;

2. The casing and cement used in construction of each newly drilled well is designed for the life of the well;

3. Consider the following factors when determining and specifying casing and cementing requirements:

- A. Depth to the injection/production zone;
- B. Injection pressure, external pressure, internal pressure, axial loading;
- C. Borehole size;
- D. Size and grade of all casing strings including wall thickness, diameter, nominal weight, length, joint specification, and construction material;
- E. Corrosiveness of injection/production and formation fluids or combinations;
- F. Lithology of injection/production and confining zones; and
- G. Type and grade of cement.

(8) Plugging and Abandonment.

(D) The director *[shall]* will prescribe aquifer cleanup and monitoring where s/he deems it necessary and feasible to insure adequate protection of USDWs.

**AUTHORITY:** section 644.026, RSMo [Supp. 1987] 2016. Original rule filed Nov. 9, 1983, effective June 1, 1984. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Jacob Faulkner, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [Jacob.faulkner@dnr.mo.gov](mailto:Jacob.faulkner@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 a.m. on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 6—Permits**

**PROPOSED AMENDMENT**

**10 CSR 20-6.200 Storm Water Regulations.** The Clean Water Commission is amending sections (1), (3), (4), (5), (6), and (7), deleting section (8), and renumbering and amending section (9).

**PURPOSE:** This rule sets forth the requirements and process of application for permits for storm water discharges and the terms and conditions for the permits.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Storm Water Permits—General.

(B) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the operations exempted should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations. The following are exempt from storm water permit regulations:

[1. Discharges from facilities or activities excluded from the state operating permit program under 10 CSR 20-6.010(1)(B);]

[2.]1. Areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from permitted areas;

[3.]2. *De minimis* discharges as defined by the department in general permits or by the Clean Water Commission;

[4.]3. Recycling collection points which are covered in a manner which prevents contact with storm water, including run on;

[5.]4. Farmlands, domestic gardens, or lands used for sludge management where domestic sludge is beneficially reused and which are not physically located in the confines of the facility producing the sludge;

[6.]5. Agricultural storm water discharges and irrigation return flows;

[7.]6. Sites that disturb less than one (1) acre of total land area which are not part of a common plan or sale. Land disturbance activity on an individual residential building lot is not considered as part of the overall subdivision unless the activity is by the developer to improve the lot for sale;

[8.]7. Linear, strip, or ribbon construction or maintenance operations meeting one (1) of the following criteria:

A. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road;

B. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines, or similar facilities;

C. Trenches two (2) feet in width or less; or

D. Emergency repair or replacement of existing facilities as long as best management practices are employed during the emergency repair;

[9.]8. Mowing, brush hog clearing, tree cutting, or similar activities which do not grade, dig, excavate, or otherwise remove or kill the surface growth and root system of the ground cover;

[10.]9. Landfills which have received Missouri Department of Natural Resources approval to close and which are in compliance with any post-closure monitoring, management requirements, and deed restrictions, unless the department determines the facility is a significant discharger of storm water related pollutants;

[11.]10. Facilities built to control the release of only storm water are not subject to the construction permitting requirement of 10 CSR 20-6.010(4), provided that the storm water does not come in

contact with process waste, process wastewater, or significant materials, and the storm water is not a significant contributor of pollutants;

**11. Phase II municipal separate storm sewer system (MS4) may request a waiver in accordance with 40 CFR part 122.32(c), December 8, 1999, as published by the Environmental Protection Agency (EPA) Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, are incorporated by reference. This rule does not incorporate any subsequent amendments or addition.**

*[12. The department may waive permit coverage if a municipal separate storm sewer system (MS4) serves a population of one thousand (1,000) or more within an urbanized area and the discharges meet the following criteria:*

*A. The discharges are not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the department's storm water program; and*

*B. If the discharge includes any pollutant(s) that have been identified as a cause of impairment of any water body to which it flows and storm water controls are not needed based on wasteload allocations that are part of an U.S. Environmental Protection Agency (EPA) approved or established total maximum daily load (TMDL) that addresses the pollutant(s) of concern;*

*13. The department may waive permit coverage if a MS4 serves a population of ten thousand (10,000) or more and the discharges meet the following criteria:*

*A. The department has evaluated all waters of the state, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;*

*B. For all such waters, the department has determined that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern;*

*C. For the purpose of this paragraph, the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that receives a discharge from a MS4; and*

*D. The department has determined that future discharges from a MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts;]*

*[14.]12. A regulated small MS4 may share the responsibility under the following:*

*A. A MS4 may develop an agreement with another entity to assist with satisfying the National Pollutant Discharge Elimination System (NPDES) permit obligations or with implementing a minimum control measure if:*

*(I) The other entity currently implements the control measure;*

*(II) The particular control measure, or component thereof, is at least as stringent as the corresponding permit requirement; and*

*(III) A MS4 that relies on another entity to satisfy some of the permit obligations specifies the condition of the agreement, including a description of the obligations implemented by the other entity. The permitted MS4 remains ultimately responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof);*

*B. In some cases, the department may recognize, either in an individual permit or in a general permit that another governmental*

*entity is responsible under a permit for implementing one (1) or more of the minimum control measures for a small MS4. Where the department recognizes these dual responsibilities, the department may not require the MS4 to include such minimum control measure(s) in their program. The MS4 permit may be modified to include the requirement to implement a minimum control measure if the other entity fails to implement it;*

*[15.]13. The director may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five (5) acres, but more than one (1) acre, where:*

*A. The value of the rainfall erosivity factor R in the Revised Universal Soil Loss Equation is less than five (5) during the period of construction activity. The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997, which is incorporated in this rule by reference. Copies may be obtained from EPA's Water Resource Center, Mail Code RC4100, 401 M Street S.W., Washington, DC 20460. An operator must certify to the director that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five (5); or*

*B. A TMDL approved or established by the department or by the EPA that addresses the pollutant(s) of concern without the need for storm water controls;*

*C. Waste load allocations are not needed on non-impaired waters to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of paragraph (1)(B)15. and subparagraph (1)(B)15.C. of this rule, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause or a potential cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the department that the construction activity will take place, and that storm water discharges will occur, within the drainage area addressed by the TMDL or by an equivalent analysis; and].*

**[16.](C) No Exposure Certification.** A storm water permit under this rule may be excluded for industrial activities that do not expose materials to storm water. No exposure exists if the industrial materials and activities are protected from rain, snow, snowmelt, and/or runoff and the operator meets the requirements under *[parts A.(I) through B.(III) of this]* paragraph (C)1. and subparagraph (C)2.C. of this subsection.

*[A.]1. Industrial materials and activities protected by storm resistant shelter. No exposure means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product. To qualify a permit exclusion under this paragraph, the operator of the discharge must:*

*[(I)]A. Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and runoff;*

*[(III)]B. Complete and sign a certification that storm water is not contaminated by exposure to industrial materials and activities from the entire facility[, except as provided in paragraph (1)(A)2. of this rule];*

*[(III)]C. Re-submit the signed certification to the department once every five (5) years;*

*[(IV)]D. Allow the department to inspect the facility to determine compliance with the no-exposure conditions;*

*[(V)]E. Make the no-exposure inspection reports available to*



the public upon request; and

*[(V)]/F.* For facilities that discharge through a MS4, submit a copy of the certification of no-exposure to the MS4 operator, as well as allow inspection and public reporting of the inspection findings by the MS4 operator.

*/B./2.* Industrial materials and activities not requiring storm resistant shelter. An industrial site may qualify for this exclusion without a storm resistant shelter if:

*[(I)]/A.* Drums, barrels, tanks, and similar containers are tightly sealed, provided those containers are not deteriorated and do not leak. Sealed means banded or otherwise secured and without operational taps or valves;

*[(III)]/B.* Adequately maintained vehicles are used in material handling; and

*[(IIII)]/C.* All industrial materials consist of final products, other than products that would be mobilized by storm water.

*[(C)]/(D)* Definitions.

1. Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. BMPs for land disturbance. A schedule of activities, practices, or procedures that reduces the amount of soil available for transport or a device that reduces the amount of suspended solids in runoff before discharge to waters of the state. Types of BMPs for storm water control include, but are not limited to:

A. State-approved standard specifications and permit programs;

B. Employee training in erosion control, material handling and storage, and housekeeping of maintenance areas;

C. Site preparation such as grading, surface roughening, topsoiling, tree preservation and protection, and temporary construction entrances;

D. Surface stabilization such as temporary seeding, permanent seeding, mulching, sodding, ground cover including vines and shrubs, riprap, and geotextile fabric. Mulches may be hay, straw, fiber mats, netting, wood cellulose, corn or tobacco stalks, bark, corn cobs, wood chips, or other suitable material which is reasonably clean and free of noxious weeds and deleterious materials. Grasses used for temporary seeding shall be a quick growing species such as rye grass, Italian rye grass, or cereal grasses suitable to the area and which will not compete with the grasses sown later for permanent cover;

E. Runoff control measures such as temporary diversion dikes or berms, permanent diversion dikes or berms, right-of-way or perimeter diversion devices, and retention and detention basins. Sediment traps and barriers, sediment basins, sediment (silt) fence, and staked straw bale barriers;

F. Runoff conveyance measures such as grass-lined channels, riprap, and paved channels, temporary slope drains, paved flumes, or chutes. Slope drains may be constructed of pipe, fiber mats, rubble, Portland cement concrete, bituminous concrete, plastic sheets, or other materials that adequately will control erosion;

G. Inlet and outlet protection;

H. Streambank protection such as a vegetative greenbelt between the land disturbance and the watercourse. Also, structural protection which stabilizes the stream channel;

I. A critical path method analysis or a schedule for performing erosion control measures; and

J. Other proven methods for controlling runoff and sedimentation;

3. Copetitioner. A person with apportioned legal, financial, and administrative responsibility based on land area under its control for filing Part 1 and Part 2 of a state operating permit for the discharge of storm water from municipal separate storm sewer systems. A copetitioner becomes a copermitttee once the permit is issued.

4. Copermitttee. A permittee to a state operating permit that is responsible only for permit conditions relating to the discharge for which it is owner or operator, or both.

5. *De minimis* water contaminant source. A water contaminant source, point source, or wastewater treatment facility that is determined by the department to pose a negligible potential impact on waters of the state, even in the event of the malfunction of wastewater treatment controls or material handling procedures.

6. Field screening point. A specific location which during monitoring will provide representative information to indicate the presence of illicit connections or illegal dumping and quality of water within a municipal separate storm sewer system.

7. Illicit discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to a state operating permit, other than storm water discharge permits and discharges from fire fighting activities.

8. Incorporated place (in Missouri, a municipality). A city, town, or village that is incorporated under the laws of Missouri.

9. Landfill. Location where waste materials are deposited on or buried within the soil or subsoil. Included are open dumps and landfills built or operated, or both, prior to the passage of the Missouri Solid Waste Management Law as well as those built or operated, or both, since.

10. Large municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of two hundred fifty thousand (250,000) or more;

B. Located in the counties designated by the director as unincorporated places with significant urbanization and identified systems of municipal separate storm sewers;

C. Owned and operated by a municipality other than those described in *[sub]paragraphs (1)/(C) 10.A./(D)15. and (1)(D)29.* of this rule that are designated by the director as part of a system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The location of discharges from the designated municipal storm sewer relative to the discharges from municipal separate storm sewer described in *[sub]paragraph (1)/(C) 10.A./(D)16.* of this rule;

(III) The quantity and nature of pollutants discharged to the waters of the state;

(IV) The nature of the receiving waters; or

(V) Other relevant factors; and

D. The director, upon petition, may designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdiction, watershed, or other appropriate basis that includes one (1) or more of the systems described in subparagraph *[(1)/(C) 10.A.]/(1)(B)10.A.* of this rule.

11. MS4 means:

A. A municipal separate storm sewer system.

12. Major municipal separate storm sewer system outfall (major outfall). A municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of thirty-six inches (36") or more (or its equivalent) or for municipal separate storm sewers that receive storm waters from lands zoned for industrial activity within the municipal separate storm sewer system with an outfall that discharges from a single pipe with an inside diameter of twelve inches (12") or more (or from its equivalent). Industrial activity areas do not include commercial areas.

13. Major outfall. A major municipal separate storm sewer outfall.

14. Major structural controls. Man-made retention basins, detention basins, major infiltration devices, or other structures designed and operated for the purpose of containing storm water discharges from an

area greater than or equal to fifty (50) acres.

15. Medium municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of one hundred thousand (100,000) or more but less than two hundred fifty thousand (250,000), as determined by the latest decennial census by the Bureau of Census; or

B. Owned and operated by a municipality other than those described in subparagraph [(1)(C)15.A.] (1)(D)15.A of this rule and that are designated by the director as part of the system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The locations of discharges from the designated municipal separate storm sewer relative to discharges from the municipal separate storm sewers described in subparagraph [(1)(C)15.A.] (1)(D)15.A. of this rule;

(III) The quantity and nature of pollutants discharged to waters of the state;

(IV) The nature of the receiving waters;

(V) Other relevant factors; or

(VI) The director, upon petition, may designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdiction, watershed, or other appropriate basis that includes one (1) or more of the systems described in subparagraph [(1)(C)15.A.] (1)(D)15.A. of this rule.

16. Municipal separate storm sewer means a conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels, or storm drains designated and utilized for routing of storm water which—

A. Does not include any waters of the state *[as defined in this rule]*;

B. Is *[contained within the municipal corporate limits or is]* owned and operated by the state, city, town, village, county, district, association, or other public body created by or pursuant to the laws of Missouri having jurisdiction over disposal of sewage, industrial waste, storm water, or other liquid wastes;

C. Is not a part or portion of a combined sewer system;

D. Is not a part of a publicly owned treatment works as defined in 40 CFR 122.2; and

E. Sewers that are defined as large or medium or small municipal separate storm sewer systems pursuant to paragraphs 10., 15., and [28.] 29. of this section, or designated under subsection (1)(B) of this rule.

17. Operator. The owner, or an agent of the owner, of a separate storm sewer with responsibility for operating and maintaining the effectiveness of the system.

18. Outfall. A point source as defined by 10 CSR 20-2.010 at the point where a municipal separate storm sewer discharges and does not include open conveyances connecting two (2) municipal separate storm sewers, pipes, tunnels, or other conveyances which connect segments of waters of the state and are used to convey waters of the state.

19. Overburden. Any material of any nature consolidated or unconsolidated that overlays a mineral deposit excluding topsoil or similar naturally occurring surface materials that are not disturbed by mining operations.

20. Owner. A person who owns and controls the use, operation, and maintenance of a separate storm sewer.

21. Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

22. Receiving waters. Waters of the state as defined in this rule.

23. Recycling facilities. Locations where metals, paper, tires, glass, organic materials, used oils, spent solvents, or other materials are collected for reuse, reprocessing, or resale.

24. Regulated MS4 means:

A. A MS4 which serves a population of one thousand (1,000) or more within an urbanized area, or any MS4 located outside of an urbanized area serving a jurisdiction with a population of at least ten thousand (10,000) and a population density of one thousand (1,000) people per square mile or greater.

B. A MS4 which is designated by the department when it is determined that the discharges from the MS4 have caused or have the potential to cause an adverse impact on water quality. An application shall be submitted within one hundred eighty (180) days of the designation by the department.

25. Runoff coefficient. The fraction of total rainfall that will appear at a conveyance as runoff.

26. Significant contributor of pollutants. A person who discharges or causes the discharge of pollutants in storm water which can cause water quality standards of the waters of the state to be violated.

27. Significant material or activity associated with industrial activity.

A. For the categories of industries identified in subsections (2)(A)–[(D)](C) of this rule, the term includes, but is not limited to, storm water discharged from industrial plant yards, immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.

B. Significant materials include, but are not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments & Reauthorization Act of 1986 (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

C. Material received in drums, totes, or other secure containers or packages which prevent contact with storm water, including run on, are exempted from the significant materials classification until the container has been opened for any reason. If the container is moved into a building or other protected area prior to opening, it will not become a significant material.

D. Empty containers which have been properly triple rinsed are not significant materials.

28. Small construction activity means:

A. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

B. Any other construction activity designated by the department, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

29. Small municipal separate storm sewer system means:

A. Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district,

flood control district, or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to water of the United States.

B. Not defined as large or medium municipal separate storm sewer systems pursuant to paragraphs 10. and 15. of this subsection.

C. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as around individual buildings.

30. Small MS4 means:

A. A small municipal separate storm sewer system.

31. Storm water means storm water runoff, snowmelt runoff and surface runoff, and drainage.

32. Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw material storage areas at an industrial plant.

[33. *Waters of the state, as it applies to large and medium municipalities under this regulation, means all waters listed as L1, L2, and L3 in Table G and P, P1, and C in Table H of 10 CSR 20-7.031.*]

(3) Land Disturbance and Small Construction Activity.

(A) The owner/operator of an existing or new storm water discharge from a land disturbance or small construction activity shall provide a narrative description of—

1. The location (including a map) and the nature of the construction activity;

2. The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;

[3. *Proposed measures, including BMPs, to control pollutants in storm water discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements;*

4. *Proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements;*

5. *An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and]*

[6.]3. The name of the receiving water[.]; and

4. **Applicable requirements under 40 CFR part 122.21(f), April 1, 1983, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.**

(4) Application requirements for large, medium municipal separate storm sewer discharges. *[The owner and operator of a discharge from a large, medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the director under paragraph (1)(C)10. of this rule may submit a jurisdiction- or system-wide permit application. Where more than one (1) public entity owns and operates a municipal separate storm sewer within a geographic area, including adjacent or interconnected municipal separate storm sewer systems, the owners and operators may be copetitioners to the same application. A public entity which does not participate as a copetitioner with the municipal entity designated as having overall authority over storm water discharges may be required by the director to submit a separate application*

*for its area of responsibility. Permit applications for discharges from large, medium municipal storm sewers or municipal storm sewers designated under paragraph (1)(C)14. of this rule shall include:]*

*[(A) Part 1 of the application shall consist of—*

*1. General information. The applicant's name, address, telephone number of contact person, ownership and operator status, and status as a state or local government entity;*

*2. Legal authority. A description of existing legal authority to control discharges to the municipal separate storm sewer system. When existing legal authority is not sufficient to meet the criteria provided in paragraph (4)(B)1. of this rule, the description shall list additional authorities as will be necessary to meet the criteria and shall include a schedule and commitment to seek the additional authority that will be needed to meet the criteria;*

*3. Source identification.*

*A. A description of the historic use of ordinances, guidance, or other controls which limit the discharge of non-storm water discharges to any publicly-owned treatment works serving the same area as the municipal separate storm sewer system.*

*B. A United States Geological Survey seven and one-half (7.5) minute topographic map (or equivalent topographic map with a scale between 1:10,000 and 1:24,000 if cost effective) extending one (1) mile beyond the service boundaries of the municipal storm sewer system covered by the permit application. The following information shall be provided:*

*(I) The location of known municipal storm sewer system outfalls discharging to waters of the state;*

*(II) A description of the land use activities (for example, divisions indicating undeveloped, residential, commercial, agricultural, and industrial uses) accompanied with estimates of population densities and projected growth for a ten (10)-year period within the drainage area served by the separate storm sewer. An estimate of an average runoff coefficient shall be provided for each land use type;*

*(III) The location and a description of the activities of the facility of each currently operating or closed municipal landfill or other treatment, storage, or disposal facility for municipal waste;*

*(IV) The location and the permit number of any known discharge to the municipal storm sewer that has been issued a state operating permit;*

*(V) The location of major structural controls for storm water discharge (retention basins, detention basins, major infiltration devices, etc.); and*

*(VI) The identification of publicly-owned parks, recreational areas, and other open lands;*

*4. Discharge characterization.*

*A. Monthly mean rain and snowfall estimates (or summary of weather bureau data) and the monthly average number of storm events.*

*B. Existing quantitative data describing the volume and quality of discharges from the municipal separate storm sewer, including a description of the major outfalls sampled, sampling procedures, and analytical methods used.*

*C. A list of water bodies that receive discharges from the municipal separate storm sewer system, including downstream segments, groundwater, lakes, and wetlands where pollutants from the system discharges may accumulate and cause water degradation and a brief description of known water quality impacts. At a minimum, the description of impacts shall include a description of whether the water bodies receiving discharges have been:*

*(I) Assessed and reported in Section 305(b) reports submitted by the state, the basis for the assessment (evaluated or monitored), a summary of designated use support*

and attainment of CWA goals (fishable and swimmable waters) and causes of nonsupport of designated uses;

(II) Listed under Section 304(l) of the CWA that is not expected to meet water quality standards or water quality goals;

(III) Listed in state Nonpoint Source Assessments required by Section 319(a) of the CWA that, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards due to storm sewers, construction, highway maintenance, and runoff from municipal landfills and municipal sludge adding significant pollution (or contributing to a violation of water quality standards);

(IV) Identified and classified according to eutrophic condition of publicly-owned lakes listed in state reports required under Section 314(a) of the CWA including the following: A description of those publicly-owned lakes for which uses are known to be impaired; a description of procedures, processes, and methods to control the discharge of pollutants from municipal separate storm sewers into those lakes and a description of methods and procedures to restore the quality of those lakes;

(V) Recognized by the applicant as highly valued or sensitive waters;

(VI) Defined by the state or United States Fish and Wildlife Service's National Wetlands Inventory as wetlands; and

(VII) Found to have pollutants in bottom sediments, fish tissue, or biosurvey data.

**D. Field screening.** Results of a field screening analysis for illicit connections and illegal dumping for either selected field screening points or major outfalls covered in the permit application. At a minimum, a screening analysis shall include a narrative description, for either each field screening point or major outfall, of visual observations made during dry weather periods. If any flow is observed, two (2) grab samples shall be collected during a twenty-four (24)-hour period with a minimum period of four (4) hours between samples. For all these samples, a narrative description of the color, odor, turbidity, presence of an oil sheen or surface scum, as well as any other relevant observations regarding the potential presence of nonstorm water discharges or illegal dumping shall be provided. In addition, a narrative description of the results of a field analysis using suitable methods to estimate pH, total chlorine, total copper, total phenol, and detergents (or surfactants) shall be provided along with a description of the flow rate. Where the field analysis does not involve analytical methods approved under 10 CSR 20-7.015, the applicant shall provide a description of the method used, including the name of the manufacturer of the test method along with the range and accuracy of the test. Field screening points shall be major outfalls, other outfall points, manholes, junctions of storm drainage ditches etc., located throughout the storm sewer system by one (1) of the following two (2) methods:

(I) Field screening points shall be located randomly throughout the storm sewer system by placing a grid over a drainage system map and identifying those cells of the grid which contain a segment of the storm sewer system or major outfall. For the use of this method, the field screening points shall be established using the following guidelines and criteria:

(a) A grid system consisting of perpendicular north-south and east-west lines spaced one-quarter (1/4) mile apart shall be overlaid on a map of the municipal storm sewer system creating a series of cells;

(b) All cells that contain a segment of the storm sewer system shall be identified. One (1) field screening

point shall be selected in each cell (not to exceed the number required in subpart (4)(A)4.D.(I)(f)). Major outfalls may be used as field screening points;

(c) Field screening points should be located downstream of any sources of suspected illegal or illicit activity;

(d) Field screening points shall be located to the degree practicable at the farthest manhole or other accessible location downstream in the system within each cell. However, safety of personnel and accessibility of the location should be considered in making this determination;

(e) Hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area, and land-use types;

(f) For medium municipal separate storm sewer systems, no more than two hundred fifty (250) cells need to have identified field screening points. In large municipal separate storm sewer systems, no more than five hundred (500) cells need to have identified field screening points. Cells established by the grid that contain no storm sewer segments will be eliminated from consideration. If fewer than two hundred fifty (250) cells in medium municipal sewers are created, and fewer than five hundred (500) in large systems are created by the overlay on the municipal sewer map, then all those cells which contain a segment of the sewer system shall be subject to field screening unless access to the separate storm sewer system is impossible; and

(g) Municipal separate storm sewer systems which are unable to utilize the procedures described in subpart (4)(A)4.D.(I) of this rule because a sufficiently detailed map of the separate storm sewer systems is unavailable shall field screen no more than five hundred (500) or two hundred fifty (250) major outfalls respectively (or all major outfalls in the system, if fewer). In these circumstances, the applicant shall establish a grid system consisting of north-south and east-west lines spaced one-quarter (1/4) mile apart as an overlay to the boundaries of the municipal storm sewer system, thereby creating a series of cells. The applicant will then select major outfalls in as many cells as possible until at least five hundred (500) major outfalls (large municipalities) or two hundred fifty (250) major outfalls (medium municipalities) are selected. A field screening analysis shall be undertaken at these major outfalls; or

(II) Field screening points shall be located throughout the storm sewer system by the establishment of watersheds for both conduit and open drainage conveyance systems. The drainage system shall be indicated on a drainage system map along with the identification of the appropriate watershed boundaries. For the use of this method, the applicant, with the approval of the director, may develop the runoff characteristics of each land area contributing to a sampling point by utilizing best engineering judgment and current hydrologic analysis methodologies. The proposal shall be submitted to the department as an attachment to the Part 1 storm water permit application required by this regulation.

**E. Characterization plan.** Information and a proposed program to meet the requirements of paragraph (4)(B)3. of this rule. The description shall include the location of outfalls or field screening points appropriate for representative data collection under paragraph (4)(B)3. of this rule, a description of why the outfall or field screening point is representative, the seasons during which sampling is intended, and a description of the sampling equipment. The proposed location of outfalls or field screening points for sampling should reflect water quality concerns to the extent practicable;

**5. Management programs.**

A. A description of the existing management programs to control pollutants from the municipal separate storm sewer system. The description shall provide information on existing structural and source controls, including operation and maintenance measures for structural controls that are currently being implemented. These controls may include, but are not limited to, procedures to control pollution resulting from construction activities; flood plain management controls; wetland protection measures; BMPs for new subdivisions; and emergency spill response programs. The description may address controls established under state law as well as local requirements.

B. A description of the existing program to identify illicit connections to the municipal storm sewer system. The description should include inspection procedures and methods for detecting and preventing illicit discharges and describe areas where this program has been implemented; and

6. Fiscal resources. A description of the financial resources currently available to the municipality to complete Part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets and sources of funds for storm water programs; and

(B) Part 2 of the application shall consist of—

1. Adequate legal authority. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the applicant(s), at a minimum to—

A. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm discharges associated with industrial activity, and the quality of storm water discharged from sites of industrial activity;

B. Prohibit through ordinance, order or similar means illicit discharges to the municipal separate storm sewer;

C. Control through ordinance, order, or similar means the discharge to a municipal separate storm sewer of spills, dumping, or disposal of materials other than storm water;

D. Control through interagency agreements among copetitioners the contribution of pollutants from one (1) portion of the municipal system to another portion of the municipal system;

E. Require compliance with terms and conditions in ordinances, permits, contracts, or orders; and

F. Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer;

2. Source identification. The location of any major outfall that discharges to waters of the state that was not reported under paragraph (4)(A)3. of this rule. Provide an inventory and a description (such as SIC codes) which best reflect the principal products or services provided by each facility which may discharge storm water associated with industrial activities to the municipal separate storm sewer;

3. Characterization data. When quantitative data for a pollutant are required under subparagraph (4)(B)3.A. of this rule, the applicant must collect a sample of effluent in accordance with 40 CFR 122.21(g)(7) and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR part 136. When no analytical method is approved, the applicant may use any suitable method, but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application including:

A. Quantitative data from representative outfalls or

field screening points designated by the director (based on information received in Part 1 of the application, the director shall designate between five (5) and ten (10) outfalls or field screening points as representative of the commercial, residential, and industrial land use activities of the drainage area contributing to the system or, where there are less than five (5) outfalls covered in the application, the director shall designate all outfalls or field screening points) developed as follows:

(I) For each outfall or field screening point designated under this part, samples shall be collected of storm water discharges from three (3) storm events occurring at least one (1) month apart;

(II) A narrative description shall be provided of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge, and the duration between the storm event sampled and the end of the previous measurable (greater than one-tenth inch (0.1") rainfall) storm event;

(III) For samples collected and described under parts (4)(B)3.A.(I) and (II) of this rule, quantitative data shall be provided for the organic pollutants listed in Table II; the pollutants listed in Table III (toxic metals, cyanide, and total phenols) of Appendix D of 40 CFR part 122 and for the following pollutants:

- (a) TSS;
- (b) Total dissolved solids (TDS);
- (c) COD;
- (d) BOD<sub>5</sub>;
- (e) Oil and grease;
- (f) Fecal coliform;
- (g) Fecal streptococcus;
- (h) pH;
- (i) Total Kjeldahl nitrogen;
- (j) Nitrate plus nitrite;
- (k) Dissolved phosphorus;
- (l) Total ammonia plus organic nitrogen; and
- (m) Total phosphorus; and

(IV) Additional limited quantitative data required by the director for determining permit conditions. The director may require that quantitative data shall be provided for additional parameters and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to ensure representativeness;

B. Estimates of the annual pollutant load of the cumulative discharges to waters of the state from all identified municipal outfalls or field screening points and the event mean concentration of the cumulative discharges to waters of the state from all identified municipal outfalls or field screening points during a storm event as described under paragraphs (4)(A)3. and (4)(B)2. for BOD<sub>5</sub>, COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead, and zinc. Estimates shall be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modeling, data analysis, and calculation methods;

C. A proposed schedule to provide estimates for each major outfall or field screening point identified in either paragraph (4)(A)3. or (4)(B)2. of this rule of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under subparagraph (4)(B)3.A. of this rule; and

D. A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is

representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment;

4. *Proposed management program.* A proposed management program covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination to reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and system, design and engineering methods, and other provisions which are appropriate. The program shall also include a description of staff and equipment available to implement the program. Separate proposed programs may be submitted by each copetitioner. Proposed programs may impose controls on a system-wide basis, a watershed basis, a jurisdiction basis, or on individual outfalls. Proposed programs will be considered by the director when developing permit conditions to reduce pollutants in discharges to the maximum extent practicable. Proposed management programs shall describe priorities for implementing controls. These programs shall be based on—

A. A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing the controls. At a minimum, the description shall include:

(I) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers;

(II) A description of planning procedures including a comprehensive master plan to develop, implement, and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. The plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed;

(III) A description of practices for operating and maintaining public streets, roads, and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities;

(IV) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible;

(V) A description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage, or disposal facilities for municipal waste which shall identify priorities and procedures for inspections and establishing and implementing control measures for the discharges. This program can be coordinated with the program developed under subparagraph (4)(B)4.D. of this rule; and

(VI) A description of a program to reduce to the maximum extent practicable pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides, and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications, and other measures for commercial applicators and distributors and controls for application in public right-of-ways and at municipal facilities;

B. A description of a program, including a schedule, to

detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate state operating permit) illicit discharges and improper disposal into the storm sewer. The proposed program shall include:

(I) A description of a program including inspections, to implement and enforce an ordinance, orders, or similar means to prevent illicit discharges to the municipal separate storm sewer system. This program description shall address all types of illicit discharges, however the following categories of nonstorm water discharges or flows shall be addressed where the discharges are identified by the municipality as sources of pollutants to waters of the state: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration to separate storm sewers, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water. Program descriptions shall address discharges or flows from fire fighting only where the discharges or flows are identified as significant sources of pollutants to waters of the state;

(II) A description of procedures to conduct ongoing field screening activities during the life of the permit, including areas or locations that will be evaluated by field screens;

(III) A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of nonstorm water. These procedures may include: sampling procedures for constituents such as fecal coliform, fecal streptococcus, surfactants (MBAS), residual chlorine, fluorides, and potassium; and testing with fluorometric dyes or conducting in-storm sewer inspections where safety and other considerations allow. The description shall include the location of storm sewers that have been identified for the evaluation;

(IV) A description of procedures to prevent, contain and respond to spills that may discharge into the municipal separate storm sewer;

(V) A description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers;

(VI) A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

(VII) A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary;

C. A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to Section 313 of Title III of SARA and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall—

(I) Identify priorities and procedures for inspections and establishing and implementing control measures for the discharges; and

(II) Describe a monitoring program for storm water discharges associated with the industrial facilities identified in this part to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines

subcategories, where applicable; any pollutant listed in an existing state operating permit for a facility; oil and grease, COD, pH, BOD<sub>5</sub>, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on parameters that are believed to be present listed on Clean Water Commission Application Form 105D; and

D. A description of a program to implement and maintain structural and nonstructural BMPs to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system which shall include:

(I) A description of procedures for site planning which incorporate consideration of potential water quality impacts;

(II) A description of requirements for nonstructural and structural BMPs;

(III) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and

(IV) A description of appropriate educational and training measures for construction site operators;

5. Assessment of controls. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment also shall identify known impacts of storm water controls on groundwater;

6. Fiscal analysis. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under paragraphs (4)(B)3. and 4. of this rule. The analysis shall include a description of the source of funds that is proposed to meet the necessary expenditures, including legal restrictions on the use of the funds;

7. Where more than one (1) legal entity submits an application, the application shall contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination;

8. Where requirements under paragraphs (4)(A)3. and 4. and (4)(B)2. and 3. of this rule are not practicable or are not applicable, the director may exclude any operator of a discharge from a municipal separate storm sewer which is designated under paragraph (1)(C)10. or 14. of this rule from these requirements. The director shall not exclude Independence, Kansas City, Springfield and St. Louis from any of the permit application requirements under this paragraph except where authorized under section (4) of this rule;

#### 9. Petitions.

A. Any operator of a municipal separate storm sewer system may petition the director to require a separate state operating permit for any discharge into the municipal separate storm sewer system.

B. Any person may petition the director to require a state operating permit for a discharge which is composed entirely of storm water which contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the state.

C. The owner or operator, or both, of a municipal separate storm sewer system may petition the director to reduce the census estimates of the population served by the separate system to account for storm water discharged to combined sewers that is treated in a publicly-owned treatment works. In municipalities in which combined sewers are operated, the census estimates of population may be reduced proportional to the fraction of the length of combined sewers over the sum of the length of combined sewers and

municipal separate storm sewers and an applicant has submitted the state operating permit number associated with each discharge point and a map indicating areas served by combined sewers and the location of any combined sewer overflow discharge point.

D. Any person may petition the director for the designation of a large or medium municipal separate storm sewer system as defined by paragraph (1)(C)10. or 14. of this rule.

E. The director shall make a final determination on any petition received under subparagraph (4)(B)9.C. within ninety (90) days after receiving the petition; and

10. Municipal separate storm sewer system reports. The operator of a municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the director under paragraph (1)(C)10. or 14. must submit an annual report by the anniversary of the date of the issuance of the permit for the system. The report shall include:

A. The status of implementing the components of the storm water management program that are established as permit conditions;

B. Proposed changes to the storm water management programs that are established as permit conditions;

C. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application;

D. A summary of data, including monitoring data, that is accumulated throughout the reporting year;

E. Annual expenditures during reporting period and budget for year following each annual report;

F. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and

G. Identifications of water quality improvements or degradation.]

(A) All Phase I large and medium MS4s were determined in accordance with the 1990 census. Application requirements for new Phase I large and medium MS4s based on the 1990 census were in accordance with 40 CFR 122.26(d), November 16, 1990, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

(B) Reapplication minimum requirements for large and medium MS4s are as follows:

1. Name and mailing address of the permittee(s) that operate the MS4;

2. Names and titles of the primary administrative and technical contacts for the municipal permittee(s);

3. Minimum application requirements as established in 40 CFR 122.21(f), April 1, 1983, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions;

4. Any proposed changes or improvements to the stormwater management program, including monitoring activities for the upcoming five (5) year term of the permit unless the proposed changes have already been submitted in the most recent annual report; and

5. If applicable, any changes in co-applicants/co-permittees.

(5) Application Requirements for Small Municipal Separate Storm Sewer (Small MS4) Discharges.

(D) Operating permits for Small MS4s will contain the minimum requirements as established in 40 CFR part 122.34, December 9, 2016, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington DC, 20004, are incorporated by reference. This rule does not incorporate any



**subsequent amendments or additions.**

**(6) Permit Requirements.**

(A) The director may issue a general permit for storm water discharges in accordance with the following:

1. The general permit shall be written to cover a category of discharges described in the permit except those covered by individual permits within a geographic area. The area shall correspond to existing geographic or political boundaries, such as—

A. Designated planning areas under Sections 208 and 303 of the Federal Clean Water Act;

B. City, county, or state political boundaries or special sewer districts chartered by the state;

C. State highway systems; and

D. Any other appropriate division or combination of boundaries;

2. The general permit shall be written to regulate a category of point sources if the sources all—

A. Involve the same or substantially similar types of operations;

B. Discharge the same types of wastes;

C. Require the same operating conditions;

D. Require the same or similar monitoring; and

E. In the opinion of the director, are more appropriately controlled under a general permit than under individual permits;

3. General permits may be issued, modified, revoked, and reissued or terminated in accordance with applicable requirements of this rule and the permit. To be included under a general permit, a permittee must submit an application on forms supplied by the department;

4. The director may require any person authorized by a general permit to apply for and obtain an individual operating permit. Any interested person may petition the director to require a permittee to apply for an individual permit. Cases where an individual operating permit may be required include, but are not limited to, the following:

A. Effluent limitation guidelines are promulgated for point sources covered by a general state operating permit;

B. The discharge(s) is a significant contributor of pollutants. In making this determination, the director may consider the following factors:

(I) The location of the discharge with respect to waters of the state;

(II) The size of the discharge;

(III) The quantity and nature of the pollutants discharged to waters of the state; and

(IV) Other relevant factors;

C. The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving stream;

D. The discharger is not in compliance with the conditions of the general operating permit; or

E. A water quality management plan containing requirements applicable to point sources is approved;

5. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application with reasons supporting the request to the director. The request shall be granted by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request.

A. When an individual operating permit is issued to an owner or operator otherwise subject to a general operating permit, the applicability of the general permit to the individual operating permittee is automatically terminated on the effective date of the individual permit.

B. A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked and that it be issued a general permit. Upon revocation of the individual permit and issuance of the general permit to the permittee, the general permit shall apply to the source. The source

shall be included under the general permit only if it meets all the requirements for coverage under the general permit;

6. Petitions may be submitted to the director requesting the development of a general permit for a group of facilities or activities meeting the criteria listed in paragraph [(5)(A)1.] **(2)(B)1.**

A. Information required in a petition must include:

(I) A full description of the group including names, addresses, and locations and the industrial activities conducted by group members;

(II) Any significant materials stored, used, loaded, unloaded, treated, or disposed outdoors at these facilities;

(III) The existence and permit status of any other wastewater discharges from the group;

(IV) Analytical data which exists for any group members' storm water runoff;

(V) A summary of the history of spills, leaks, and complaints relating to significant materials used, stored, treated, or disposed of on these facilities; and

(VI) Management practices used to prevent or minimize materials contacting storm water.

B. Within ninety (90) days of receipt of the petition, the director shall notify the applicant that—

(I) A general permit will be developed;

(II) A general permit will not be developed and reason; or

(III) Further information is required to make a decision;

and

C. If the director has indicated that a general permit will be developed for specific facilities/activities, application for general permit as indicated in 10 CSR 20-6.010(13) may be submitted in lieu of an individual industrial storm water runoff permit application.

7. General permits shall *[contain BMP requirements and/or monitoring and reporting requirements to keep the storm water from being contaminated]* **have conditions to meet any applicable technology or water quality based standard;**

*[8. A general permit will be issued to cover the geographical area of any city or county government that has a land disturbance program in place that has been approved by the department. The general permit will require that the person(s) disturbing the land comply with the conditions of the locally-approved land disturbance program. Permittees who wish to be covered by this general permit and who comply with the locally-approved program must submit a state general permit and a one hundred fifty dollar (\$150) permit fee to the department. Receipt of the application and fee shall fulfill the state permit requirements for the applicant. In the event the approval of the land disturbance program is withdrawn by the department, all activities started after the withdrawal must be permitted under either a site-specific permit or a statewide general permit that covers the activity if one exists; and]*

*[9.]8. A general permit will be issued to cover the geographical area of any city, county, or state government agency that performs or contracts for land disturbance activities[, if the agency has a storm water control program approved by the department]. The general permit will be issued for all activities that are conducted within the geographic area under contract by, or performed by, the city, county, or state agency. The applicant will need only to secure one (1) general permit for all activities that occur during the life of the permit. [In the event the approval of the land disturbance program is withdrawn by the department, all activities started after the withdrawal must be permitted under either a site-specific permit or a statewide general permit that covers the activity if one exists.]*

*[(C) Site-specific permits for system-wide or jurisdiction-wide separate storm sewers shall contain the following:*

*1. Identification of the permit holder;*

*2. BMP requirements that are proposed and approved in the city-wide management program; and*

*3. Monitoring and reporting requirements.*

*(D) Terms and Conditions of Permits.*

1. All storm water discharges shall be consistent with the terms and conditions of the storm water permits.

2. For the purpose of inspecting, monitoring, or sampling the point source, water contaminant source, or storm water treatment facility for compliance with the Clean Water Law and these rules, the owner or operator of the land disturbance site shall allow authorized representatives of the department upon presentation of credentials and at reasonable times to—

A. Enter upon the premises in which a point source, water contaminant source, or storm water treatment facility is located, or in which any records are required to be kept under terms and conditions of the storm water permit;

B. Have access to or copy any records required to be kept under terms and conditions of the storm water permit;

C. Inspect any monitoring equipment or monitoring method required in the storm water permit;

D. Inspect any collection, treatment, or land application facility covered under the storm water permit; and

E. Sample any storm water at any point in the collection system or treatment process.

3. Any expansions or modifications which will result in new or different characteristics must be reported sixty (60) days before the storm water modification begins. Notification may be accomplished by application for a new storm water permit, or if the change will not significantly alter limitations specified in the permit, by submission of notice to the department of the change.

4. All reports required by the department shall be signed by a person designated in 10 CSR 20-6.010 or a duly authorized representative under 10 CSR 20-6.010.

5. Other terms and conditions shall be incorporated into the storm water permits if the department determines they are necessary to assure compliance with the Clean Water Law and regulations.]

**AUTHORITY:** sections 644.026], RSMo 2000] and [section] 644.036, RSMo [Supp. 2008] 2016. Original rule filed July 15, 1991, effective Oct. 1, 1992. Amended: Filed Sept. 14, 2001, effective May 30, 2002. Amended: Filed Feb. 3, 2009, effective Oct. 30, 2009. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Michael Abbott, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to Michael.abbott@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 a.m. on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 6—Permits**

**PROPOSED AMENDMENT**

**10 CSR 20-6.300 Concentrated Animal Feeding Operations.** The division is amending sections (2), (3), (4), (6), and (7), deleting subsections (7)(A), (7)(B), (7)(E), and (7)(F), and re-lettering accordingly.

**PURPOSE:** The department is amending this rule to comply with Executive Order 17-03 under the Red Tape Reduction Initiative and to improve clarity of the rule, reduce redundancy, and unneeded or overly burdensome requirements.

(2) Applicability and Application for Coverage.

(E) Operating Permit Applications. This section describes the application process and requirements for CAFO operating permits. A separate application for each operating location must be submitted to the department.

1. The department will not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the waste management systems, only adherence to rules and regulations. The issuance of permits will not include approval of such features.

2. [Applications for general operating permits should be submitted at least ninety (90) days prior to the start of operation. Applications for site-specific operating permits shall be submitted at least one hundred eighty (180) days prior to the start of operation.] The application shall include at a minimum the following documents:

A. Title page of engineering report or similar document sealed by a professional engineer including name of the operation, date the report was prepared, name and address of firm preparing the report, seal and signature of the engineer, and a statement indicating the project was designed in accordance with 10 CSR 20-8.300;

B. Narrative project summary. This shall describe the existing and any proposed modifications to operating conditions including the number of confinement buildings or areas, the total design capacity in animal units and actual animal numbers for each type of animal, and an explanation of the existing and/or proposed modifications to the waste management system;

C. Include the amount of manure generated annually, storage volume, and days of storage of all manure storage structures, including mortality composters;

D. A recent aerial or topographic map showing the extent of the production area including;

(I) All existing and proposed confinement buildings, open lots, manure storage structures;

(II) Surface waters and areas subject to a one hundred (100) year flood event within or adjacent to the production area; and

(III) Production area setback distances in accordance with 10 CSR 20-8.300(5)(B);

E. Nutrient Management Plan—

(I) NPDES permit – applications shall include the operations' nutrient management plan; or

(II) State no-discharge permit –applications for a new permit shall include the operations' nutrient management plan;

F. Applications for Class I CAFOs shall also include:

(I) An aerial or topographic map that meets the requirement of 10 CSR 20-6.300(3)(C)4.;

(II) Proof of neighbor notice to all parties listed in 10 CSR 20-6.300(3)(C)2.

[3. For renewal of NPDES operating permits, a copy of the operations nutrient management plan shall be submitted if it has not previously been submitted.]

[4.]3. When an application is submitted incomplete or any of the required permit documents are deficient, or if additional information is needed including, but not limited to, engineering design plans, the department will act in one (1) of the following ways:

A. The department may return the entire permit application back to the applicant for re-submittal; or

B. The applicant and/or the applicant's engineer will be notified of the deficiency and will be provided time to address department

comments and submit corrections. Processing of the application may be placed on hold until the applicant has corrected identified deficiencies.

[5./4. Applicants who fail to correct deficiencies and/or fail to satisfy all department comments after two (2) certified department comment letters shall have the application returned as incomplete and the permit fee(s) shall be forfeited. The department will grant reasonable time extensions when the applicant requests additional time to respond to department comments, however, such requests must be in writing and must occur within the time frame set by the department.

[6./5. When the department has received all documents and information necessary for a properly completed operating permit application, including appropriate permit fees, the department will, review the application and said documents for compliance with this regulation and 10 CSR 20-8.300 and, if met, act in one (1) of the following ways:

A. For an operation seeking coverage under the state no-discharge general operating permit the department will issue the state no-discharge general operating permit; or

B. For an operation seeking coverage under the NPDES operating permit the department will post for fifteen (15) days on the department's webpage a notice of the pending CAFO NPDES permit. The notice will include an announcement of the opportunity for public review and comment on the CAFO's nutrient management plan and draft NPDES permit. The department will consider all comments before issuing the operating permit.

(3) Operating Permit Requirements. These requirements apply to all operating permits unless otherwise specified.

(B) Buffer Distances. **Buffer distances are to be in accordance with Section 640.710 RSMo. unless exempted below:**

[1. All Class I concentrated animal feeding operations shall maintain a buffer distance between the nearest animal confinement building or wastewater storage structure and any existing public building or occupied residence. The public building or occupied residence will be considered existing if it is being used prior to the start of the neighbor notice requirements of subsection (C) of this section or thirty (30) days prior to the date the department receives an operating permit application, whichever is later. Buffer distances shall be—

A. One thousand feet (1000') for concentrated animal feeding operations between 1,000 and 2,999 animal units (Class IC operations);

B. Two thousand feet (2,000') for concentrated animal feeding operations between 3,000 and 6,999 animal units (Class IB operations); and

C. Three thousand feet (3,000') for concentrated animal feeding operations equal to or greater than 7,000 animal units (Class IA).]

[2./1. When a CAFO proposes an expansion or modification but does not increase to a larger classification size, the buffer distance requirements shall be applicable only to the proposed confinement buildings and wastewater storage structures unless exempted by paragraph [3./2. of this subsection. Neighbor notice requirements of subsection (C) of this section shall apply to all existing and proposed confinement buildings and wastewater storage structures. If the proposed expansion or modification results in an increase to a larger classification size, the buffer distance and neighbor notice requirement of the larger classification size will apply to all existing and proposed confinement buildings and wastewater storage structures unless exempted by paragraph 4. of this subsection.

[3./2. A concentrated animal feeding operation and any future modification or expansion of a CAFO is exempt from buffer distance requirements, but not neighbor notice requirements, when it meets all of the following criteria:

A. The CAFO was in existence prior to June 25, 1996; and

B. The CAFO does not expand to a larger classification size.

[4./3. When existing animal feeding operations or concentrated animal feeding operations expand to a larger class size, the buffer distances shall not apply to the portion of the operation in existence as of June 25, 1996.

[5./4. Buffer distances are not applicable to residences owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained from the owner of that residence. When shorter buffer distances are proposed by the operation and allowed by the department, the written agreement for a shorter buffer distance shall be recorded with the county recorder and filed in the chain of title for the property of the land owner agreeing to the shorter buffer distance.

[6. The department may, upon review of the information contained in the operating permit application, including, but not limited to, the prevailing winds, topography, and other local environmental factors, authorize a buffer distance which is less than the distance prescribed in this rule. The department's recommendation shall be sent to the governing body of the county in which such site is proposed. The department's authorized buffer distance shall become effective unless the county governing body rejects the department's recommendation by a majority vote at the next meeting of the governing body after the recommendation is received.]

(C) Neighbor Notice Requirements. **Neighbor notice is to be conducted in accordance with section 640.715, RSMo.**

[1. Prior to filing an application for an operating permit with the department for a new or expanding Class I concentrated animal feeding operation, the following information shall be provided by way of a letter to all the parties listed in paragraph (3)(C)2. of this section:

A. The number of animals designed for the operation;

B. A brief summary of the waste handling plan and general layout of the operation;

C. The location and number of acres of the operation;

D. Name, address, and telephone number of registered agent or owner;

E. Notice that the department will accept written comments for a thirty- (30-) day period. The department will accept written comments from the public for thirty (30) days after receipt of the operating permit application; and

F. The address of the department office receiving comments.

2. The neighbor notice shall be provided to the following:

A. The department's Water Protection Program;

B. The county governing body; and]

[C./1. [All adjoining owners of property located within one and one-half (1 1/2) times the buffer distances specified in subsection (3)(B).] Distances are to be measured from the nearest animal confinement building or wastewater storage structure to the adjoining property line.

[3./2. [The operating permit applicant shall submit to the department proof of the above notification has been sent. An a)Acceptable forms of proof for submittal that neighbor notice was sent include copies of mail delivery confirmation receipts, return receipts, or other similar documentation.

[4./3. All concentrated animal feeding operations shall submit, as part of the operating permit application, an aerial or topographic map of the production area. The maps shall show the operation layout, buffer distances, property lines, and property owners within one and one-half (1 1/2) times the buffer distance.

[5./4. The neighbor notice will expire if an operating permit application has not been received by the department within twelve (12) months of initiating the neighbor notice requirements.

(F) Annual Reports. This section is required for NPDES operating permits only. **Annual reports shall comply with the federal regulation 40 CFR 122.42(e)(4), "Annual reporting requirements for**

CAFOs,” Jan. 8, 2018, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, which hereby incorporated by reference and does not include later amendments or additions.

[1. NPDES operating permits shall require the submission of an annual report that includes:

A. The number and type of animals confined at the operation;

B. Estimated amount of total manure, litter, and process wastewater generated by the operation in the previous twelve (12) months;

C. Estimated amount of total manure, litter, and process wastewater transferred to other persons by the operation in the previous twelve (12) months;

D. Total number of acres for land application covered by the nutrient management plan;

E. Total number of acres under control of the operation that were used for land application of manure, litter, and process wastewater in the previous twelve (12) months;

F. Summary of all manure, litter, and process wastewater discharges from the production area to waters of the state that have occurred in the previous twelve (12) months, including date, time, and approximate volume;

G. A statement indicating whether the current version of the CAFO’s nutrient management plan was developed or approved by a certified nutrient management planner; and

H. The actual crop(s) planted and actual yield(s) for each field, the actual nitrogen and phosphorus content of the manure, litter, and process wastewater, the data used to calculate and the results of annual calculations for maximum amount of manure, litter, and process wastewater to be applied, the amount of manure, litter, and process wastewater applied to each field during the previous twelve (12) months, the results of any soil tests for nitrogen and phosphorus taken during the previous twelve (12) months, and the amount of any supplemental fertilizer applied during the previous twelve (12) months.]

(H) Additional Requirements for Class IACAFOs only. **Conduct inspections in accordance with section 640.725, RSMo, in addition to the following:**

1. [The owner or operator of any Class IA concentrated animal feeding operation with a wet handling system which also utilizes a flush system shall employ one (1) or more persons who shall visually inspect the gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances for any release to any containment structure. Visual inspections shall be made at least once per week. The i]nspections shall also include the structural integrity of the collection system and containment structures along with any unauthorized discharges from the flush and wet handling systems. Records shall be maintained by the facility for a minimum of three (3) years on forms approved by the department.

[2. Any unauthorized discharges that cross the property line of the facility, or enter the waters of the state from a Class IA concentrated animal feeding operation with a wet handling system that also utilizes a flush system, shall be reported to the department and to all adjoining property owners of the facility within twenty-four (24) hours.

3. Class IA concentrated animal feeding operation with a wet handling system which also utilizes a flush system shall receive at least one (1) on-site inspection by the department each quarter.

4. All Class IA concentrated animal feeding operations with a wet handling system which also utilizes a flush system shall have a secondary containment structure(s) or earthen dam(s). The] Secondary containment structure(s) or earthen dam(s) shall be sized to contain a minimum volume equal to

the maximum capacity of flushing in any twenty-four- (24-) hour period from all gravity outfall lines, recycle pump stations, and recycle force mains.

[5. All Class IA concentrated animal feeding operations with a wet handling system which also utilizes a flush system shall have an electronic or mechanical shut-off in the event of pipe stoppage or backflow. For new facilities, the shut-off shall be included as part of the construction permit application.]

[6.]2. Class IA concentrated animal feeding operations (both new and those operations that wish to expand to Class IA size) are prohibited from the watersheds of the Current, Jacks Fork, and Eleven Point Rivers as described in 10 CSR 20-6.300(1)(B)9.D.

[7.]3. [The owner or operator shall visually inspect once per day any lagoon whose water level is less than twelve (12) inches from the emergency spillway. The inspection shall note the level of water below the emergency spillway.] A record of [these] inspections **when the water level is less than twelve (12) inches from the emergency spillway** shall be included with the operations annual report.

(4) Design Standards and Effluent Limitations.

(A) Effluent Limitations Applicable to All Class I CAFOs.

1. New and expanding CAFOs [that apply for an operating permit shall have manure, litter, and process wastewater management systems] **shall** designed and constructed in accordance with [the CAFO manure storage design standard rule] 10 CSR 20-8.300.

2. Effluent limits for subsurface waters shall be in accordance with 10 CSR 20-7.015(7)(E).

3. NPDES operating permits shall also comply with effluent limitations as set forth in 40 CFR Part 412, Subpart A through Subpart D, July 30, 2012, without any later amendments or additions, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, which are hereby incorporated by reference.

4. There shall be no discharge of manure, litter, or process wastewater to waters of the state from a CAFO as a result of the land application of manure, litter, or process wastewater to land application areas under the operational control of the CAFO, except where it is an agricultural storm water discharge. When manure, litter, or process wastewater has been land applied in accordance with subsection (3)(G) of this rule, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of the CAFO is considered to be an agricultural storm water discharge.

5. A chronic weather event is a series of wet weather events and conditions that can delay planting, harvesting, and prevent land application and dewatering practices at wastewater storage structures. When wastewater storage structures are in danger of an overflow due to a chronic weather event, CAFO owners [shall] **should** take reasonable steps to lower the liquid level in the structure through land application, or other suitable means, to prevent overflow from the storage structure. Reasonable steps may include, but are not limited to, following the department’s current guidance on “Wet Weather Management Practices for CAFOs.” These practices [shall be] **are** designed specifically to protect water quality during wet weather periods. A discharge resulting from a land application conducted during wet weather conditions is not considered an agricultural stormwater discharge and is subject to permit requirements. The department will determine, within a reasonable time frame, when a chronic weather event is occurring for any given county in Missouri. The determination will be based upon an evaluation of the one-in-ten (1- in-10) year return rainfall frequency over a ten- (10-) day, ninety- (90-) day, one hundred eighty- (180-) day, and three hundred sixty five- (365-) day operating period.

(6) Closure of Waste Storage Structures.

(A) [Facilities] **Class I operations** that cease operation, or plan

to close lagoons and other waste storage structures, shall comply with **10 CSR 20-6.010** as well as the requirements in this section—

*[1. Class I concentrated animal feeding operations which cease operation shall continue to maintain a valid operating permit or until all lagoons and waste storage structures are properly closed according to a closure plan approved by the Department; and]*

*[2.]1. Other concentrated animal feeding operations that cease operation shall either close the waste storage structures in accordance with the closure requirements in subsection (6)(B) of this rule or shall continue to maintain all storage structures so that there is not a discharge to waters of the state.*

(B) Closure Requirements—

1. Lagoons and waste storage structures shall be closed by removal and land application of all wastewater and sludge;

2. *The removed wastewater and sludge shall be land applied* at agricultural rates for fertilizer not to exceed the maximum nutrient utilization of the land application site and vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state; and

*[3.]2. After removal and proper land application of wastewater and sludge, the earthen basins may be demolished by removing the berms, grading, and establish at least seventy percent (70%) plant density over one hundred percent (100%) of the site so as to provide erosion control, or the basin may be left in place for future use as a farm pond or similar uses.*

(7) Concentrated Animal Feeding Operation Indemnity Fund for **Class IA CAFO in accordance with section 640.740, RSMo.**

*[(A) Class IA concentrated animal feeding operations utilizing flush systems shall pay an annual fee of ten cents (10¢) per animal unit to the Department for deposit in the Concentrated Animal Feeding Operations Indemnity Fund.*

*(B) The annual fee shall be based upon the animal unit permitted capacity of the facility.]*

*[(C)](A) [The annual fee shall be collected each year for ten (10) years on the anniversary date of the operating permit.] For facilities permitted after June 25, 1996, the annual fee shall commence on the first anniversary of the operating permit. [The annual fee for facilities permitted prior to June 25, 1996, shall commence on the first full year anniversary of the permit following June 25, 1996.]*

*[(D)](B) [In the event the department determines that a Class IA facility has been successfully closed by the owner or operator, all monies paid by such operations into the Concentrated Animal Feeding Operation Indemnity Fund shall be returned to the operation.] In no event, [however,] shall [this] a refund exceed the unencumbered balance in the Concentrated Animal Feeding Operation Indemnity Fund.*

*[(E) The fees referenced in section (7) shall be paid by a check or money order and made payable to the State of Missouri, Concentrated Animal Feeding Operation Indemnity Fund. In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency.*

*(F) Fees shall be submitted to Department of Natural Resources, Water Pollution Control Program, Permit Section, PO Box 176, Jefferson City, MO 65102.]*

*[(G)](C) Each payment shall identify the following: state operating permit number, payment period, and permittee's name and address. Persons who own or operate more than one (1) operation may submit one (1) check to cover all annual fees, but are responsible for submitting the appropriate information to allow proper credit for each permit file account.*

*[(H)](D) Annual fees are the responsibility of the permittee. Failure to receive a billing notice is not an excuse for failure to remit the fees.*

*AUTHORITY: sections 640.710[, RSMo 2000,] and [section] 644.026, RSMo [Supp. 2014] 2016. Original rule filed June 1, 1995, effective Jan. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Attn: Greg Caldwell, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to greg.caldwell@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 a.m. on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 7—Water Quality**

### **PROPOSED AMENDMENT**

**10 CSR 20-7.015 Effluent Regulations.** The division is amending subsections (1)(A), (2)(A), (2)(C), (3)(A), (3)(B), (3)(E), (3)(F), (4)(A), (4)(B), (4)(C), (5)(B), (6)(A), (7)(A), (8)(A), (8)(B), (9)(A)–(D), (9)(G), (9)(I), (9)(L), add subsection (3)(G), delete subsection (7)(D), and reletter as needed.

*PURPOSE: This rule sets forth the limits for various pollutants which are discharged to the various waters of the state. The two previous rules 10 CSR 20-6.050 and 10 CSR 20-7.010 have been rescinded and this amendment combines certain aspects of both rules and modifies the format of the effluent regulations. This rule also complies with the latest changes to the Federal Clean Water Act, P.L. 97-117 (1981).*

(1) Designations of Waters of the State.

(A) Definitions.

1. Acute Toxicity Test—a test used to determine the concentration of an effluent that causes an adverse effect (usually death) in a group of test organisms during a short-term exposure.

2. Allowable Effluent Concentration—the concentration of a toxicant or the parameter toxicity in the receiving water after mixing, sometimes referred to as the receiving water concentration or the in-stream waste concentration.

3. Chronic Toxicity Test—A short-term test, usually ninety-six (96) hours or longer in duration, in which sub-lethal effects such as reduced growth or reproduction rates are measured in addition to lethality.

4. Representative sample—a small quantity whose characteristics represent the nature and volume of the whole. *For permitting purposes representative sampling shall be consistent with] as described in 40 CFR Part 122.48 September 26, 1984, as published by the Office of the Federal Register, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408 which is hereby incorporated by reference and does not include later amendments or additions.*

5. Toxic Unit—a measure of effluent toxicity generally expressed as acute toxicity unit or chronic toxicity unit. The larger

the toxicity unit, the greater the toxicity.

6. Toxic Unit—Acute—one-hundred (100) times the reciprocal of the effluent concentration that causes fifty percent (50%) of the organisms to die in an acute toxicity test.

7. Toxic Unit—Chronic—one-hundred (100) times the reciprocal of the highest effluent concentration that causes no observable effect on **or inhibitions up to twenty-five (25%) of** the test organism in a chronic toxicity test.

(2) Effluent Limitations for the Missouri and Mississippi Rivers. In addition to the requirements of section (9) of this rule, the following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

(A) Discharges from wastewater treatment facilities which receive primarily domestic waste or from publicly-owned treatment works (POTWs) shall undergo treatment sufficient to conform to the following limitations:

1. Biochemical Oxygen Demand<sub>5</sub> (BOD<sub>5</sub>) and Total Suspended Solids (TSS) equal to or less than a monthly average of thirty milligrams per liter (30 mg/L) and a weekly average of forty-five milligrams per liter (45 mg/L);

2. pH shall be maintained in the range from six to nine (6–9) standard units **in accordance with 40 CFR 133.102 “Secondary Treatment Regulation” October 16, 1984, as published by the Office of the Federal Register, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408 which is hereby incorporated by reference and does not include later amendments or additions;**

3. Exceptions to paragraphs (2)(A)1. and 2. of this rule are as follows:

A. If the facility is a wastewater lagoon, the TSS shall be equal to or less than a monthly average of eighty milligrams per liter (80 mg/L) and a weekly average of one hundred twenty milligrams per liter (120 mg/L) and the pH shall be maintained above six 6.0, and the BOD<sub>5</sub> shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

B. If the facility is a trickling filter plant the BOD<sub>5</sub> and TSS shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

C. Where the use of effluent limitations set forth in this section is known or expected to produce an effluent that will endanger or violate water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams/. *When a waste load allocation is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the study in accordance with any applicable compliance schedule/;*

D. The department may require more stringent limitations than authorized in paragraphs (2)(A)1. and 2. and subparagraphs (2)(A)3.A., B., and C. of this rule under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD<sub>5</sub> and TSS limits based upon an analysis of the past performance, rounded up to the next five milligrams per liter (5 mg/L) range; and

(II) If the facility is a new facility, the department may set the BOD<sub>5</sub> and TSS limits based upon the design capabilities of the plant considering geographical and climatic conditions;

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD<sub>5</sub> equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L) and TSS equal to or less than a monthly average of seventy milligrams per liter (70 mg/L) and a weekly average of one hundred ten milligrams per liter (110 mg/L).

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD<sub>5</sub> and TSS equal to or less than a monthly average of forty milligrams per liter (40 mg/L) and a weekly average of sixty milligrams per liter (60 mg/L); **and**

*[4. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and]*

*[5.]4. When the wastewater treatment process causes nitrification which affects the BOD<sub>5</sub> reading, the permittee can petition the department to substitute carbonaceous BOD<sub>5</sub> in lieu of regular BOD<sub>5</sub> testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD<sub>5</sub> at five milligrams per liter (5 mg/L) less than the regular BOD<sub>5</sub> in the operating permit.*

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow *[that shall require, at a minimum, one (1) wastewater sample per year for each fifty thousand (50,000) gallons per day (gpd) of effluent, or fraction thereof, except that—] and other site-specific factors. Sampling frequency shall not exceed once per day.*

*[A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;]*

*[B.]A. The department may establish less frequent sampling requirements for point sources that produce an effluent that does not exhibit high variability and consistently complies with the applicable effluent limit; and*

*[C.]B. Sludge sampling will be established in the permit.*

*[2. Sampling frequency shall be representative of the discharge during the period the sampling covers (daily, weekly, monthly, seasonally, etc.).]*

*[3.]2. [Sample] Unless otherwise specified in the operating permit, sample types shall be [as follows]:*

A. *[Samples collected from] Grab samples for lagoons [may be grab samples] and recirculating media beds;*

B. *[Samples collected from] Twenty-four- (24-) hour composite samples for mechanical plants [shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit]; and*

C. Sludge samples will be grab samples unless otherwise specified in the operating permit.

*[4.]3. The monitoring frequency and sample types stated in subsection (2)(C) of this rule are minimum requirements. [The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.]*

(3) Effluent Limitations for the Lakes and Reservoirs.

(A) In addition to the requirements of section (9) of this rule, the following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility to a lake or reservoir designated in 10 CSR 20-7.031 as L2 and L3 which is publicly owned. Releases to lakes and reservoirs include discharges into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its conservation pool.

1. Discharges from wastewater treatment facilities which receive primarily domestic waste or from POTWs shall undergo treatment sufficient to conform to the following limitations:

A. BOD<sub>5</sub> and TSS equal to or less than a monthly average of twenty milligrams per liter (20 mg/L) and a weekly average of thirty milligrams per liter (30 mg/L);

B. pH shall be maintained in the range from six to nine (6–9) standard units **in accordance with 40 CFR 133.102 “Secondary Treatment Regulation” October 16, 1984, as published by the**

**Office of the Federal Resister, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408 which is hereby incorporated by reference and does not include later amendments or additions;**

C. Where the use of effluent limitations set forth in section (3) of this rule are reasonably expected to exceed applicable water quality standards, the department may either—conduct waste load allocation studies in order to arrive at a limitation which protects the water quality of the state or set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams/. *When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study in accordance with any applicable compliance schedule*]; and

*[D. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and]*

*[E./D. When the wastewater treatment process causes nitrification which affects the BOD<sub>5</sub> reading, the permittee can petition the department to substitute carbonaceous BOD<sub>5</sub> in lieu of regular BOD<sub>5</sub> testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD<sub>5</sub> at five milligrams per liter (5 mg/L) less than the regular BOD<sub>5</sub> in the operating permit.*

(B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow *[that will require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—]* and other site-specific factors. **Sampling frequency shall not exceed once per day.**

*[A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;]*

*[B./A. The department may establish less frequent sampling requirements for point sources that produce an effluent that does not exhibit high variability and consistently complies with the applicable effluent limit; and]*

*[C./B. Sludge sampling will be established in the permit.*

*[2. Sampling frequency shall be representative of the discharge during the period the sampling covers (daily, weekly, monthly, seasonally, etc.).]*

*[3./2. [Sample] Unless otherwise specified in the operating permit, sample types shall be [as follows]:*

A. *[Samples collected from] Grab samples for lagoons and recirculating media beds [may be grab samples];*

B. *[Samples collected from] Twenty-four- (24-) hour composite samples for mechanical plants [shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit]; and]*

C. Sludge samples *[shall]* will be grab samples unless otherwise specified in the operating permit.

*[4./3. The monitoring frequency and sample types stated in paragraphs (3)(B)1. through [3.] 2. of this rule are minimum requirements. [The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.]*

(E) In addition to other requirements in this section, discharges to Lake Taneycomo and its tributaries between Table Rock Dam and Power Site Dam (and excluding the discharges from the dams) shall not exceed five tenths milligrams per liter (0.5 mg/L) of phosphorus as a monthly average. Discharges meeting both the following conditions shall be exempt from this requirement:

1. Those permitted prior to May 9, 1994; and

2. Those with design flows of less than twenty-two thousand five hundred (22,500) gpd. *[All existing facilities whose capac-*

*ity is increased would be subject to phosphorus limitations.]* The department may allow the construction and operation of interim facilities without phosphorus control provided their discharges are connected to regional treatment facilities with phosphorus control not later than three (3) years after authorization. *[Discharges in the White River basin and outside of the area designated above for phosphorus limitations shall be monitored for phosphorus discharges, and the frequency of monitoring shall be the same as that for BOD<sub>5</sub> and TSS, but not less than annually. The department may reduce the frequency of monitoring if the monitoring data is sufficient for water quality planning purposes.]*

(F) In addition to other requirements in this section, discharges to Table Rock Lake watershed, defined as hydrologic units numbered 11010001 and 11010002, shall not exceed five-tenths milligrams per liter (0.5 mg/L) of phosphorus as a monthly average *[except those existing discharges with design flows of less than twenty-two thousand five hundred (22,500) gpd permitted prior to November 30, 1999, unless the design flow is increased]*. Discharges meeting both of the following conditions are exempt from this requirement.

1. Those permitted prior to November 30, 1999; and

2. Those with design flows less than twenty-two thousand five hundred (22,500) gpd.

(G) Discharges in the White River basin and outside of the areas identified in (3)(E) and (F) of this section for phosphorus limitations shall be monitored for phosphorus discharges, and the frequency of monitoring shall be the same as that for BOD<sub>5</sub> and TSS, but not less than annually. The department may reduce the frequency of monitoring if the monitoring data is sufficient for water quality planning purposes.

(4) Effluent Limitations for Losing Streams.

(A) *[Discharges to losing streams shall be permitted only after other alternatives including land application, discharge] Prior to discharging to a losing stream, alternatives such as relocating the discharge to a gaining stream, and connection to a regional wastewater treatment facility [have been] are to be evaluated and determined to be unacceptable for environmental and/or economic reasons.*

(B) In addition to the requirements of section (9) of this rule, each permit for a discharge from a wastewater treatment facility to a losing stream, shall be written using the limitations contained in subsections (4)(B) and (C) of this rule in accordance with any applicable compliance schedule. Discharges from private wastewater treatment facilities which receive primarily domestic waste, industrial sources that treat influents containing significant amounts of organic loading, or POTWs permitted under this section shall undergo treatment sufficient to conform to the following limitations:

1. BOD<sub>5</sub> equal to or less than a monthly average of ten milligrams per liter (10 mg/L) and a weekly average of fifteen milligrams per liter (15 mg/L);

2. TSS equal to or less than a monthly average of fifteen milligrams per liter (15 mg/L) and a weekly average of twenty milligrams per liter (20 mg/L);

3. pH shall be maintained in the range from six to nine (6–9) standard units in accordance with 40 CFR 133.102 “Secondary Treatment Regulation” October 16, 1984, as published by the Office of the Federal Resister, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408 which is hereby incorporated by reference and does not include later amendments or additions;

4. All chlorinated effluent discharges to losing streams or within two (2) stream miles flow distance upstream of a losing stream shall also be dechlorinated prior to discharge;

*[5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in*



*accordance with a sludge management practice approved by the department];*

[6./5. When the wastewater treatment process causes nitrification which affects the BOD<sub>5</sub> reading, the permittee can petition the department to substitute carbonaceous BOD<sub>5</sub> in lieu of regular BOD<sub>5</sub> testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD<sub>5</sub> at five milligrams per liter (5 mg/L) less than the regular BOD<sub>5</sub> in the operating permit; and

[7./6. For situations in which nitrates in a discharge can be reasonably expected to impact specific drinking water wells, the concentration of nitrates in the discharge shall be limited to an average monthly limit of ten milligrams per liter (10 mg/L) as nitrogen and a maximum daily limit of twenty milligrams per liter (20 mg/L). Applicants may conduct a study in the same manner as the Missouri Risk-Based Corrective Action Technical Guidance published in 2006 to determine if nitrate limits are necessary to protect groundwater. In such cases, applicants shall submit a study plan for approval prior to the study, and submit all findings as part of their permit application.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow *[that shall require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—]* **and other site-specific factors. Sampling frequency shall not exceed once per day.**

[A. *Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;*]

[B./A. The department may establish less frequent sampling requirements for point sources that produce an effluent that does not exhibit high variability and consistently complies with the applicable effluent limit; and

[C./B. Sludge samples will be established in the permit.

[2. *Sampling frequency shall be representative of the discharge during the period the sampling covers (daily, weekly, monthly, seasonally, etc.).]*

[3./2. **Unless otherwise specified in the operating permit,** [S/sample types shall be *[as follows]*:

A. *[Samples collected from]* **Grab samples for** lagoons and recirculating *[sand filters may be grab samples]* **media beds;**

B. *[Samples collected from]* **Twenty-four- (24-) hour composite samples for** mechanical plants *[shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit];* and

C. Sludge samples *[shall]* **will** be a grab sample unless otherwise specified in the operating permit.

[4./3. The monitoring frequency and sample types stated in paragraphs (4)(C)1. through [3.] 2. of this rule are minimum requirements. *[The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.]*

(5) Effluent Limitations for Metropolitan No-Discharge Streams.

(B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow *[that shall require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—]* **and other site-specific factors. Sampling frequency shall not exceed once per day.**

[A. *Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report.*]

[B./A. *[Point sources that discharge more than one point three (1.3) mgd will be required, at a minimum, to collect fifty-two (52) wastewater samples per year.]* The department may establish less frequent sampling requirements for point

sources that produce an effluent that does not exhibit high variability and consistently complies with the applicable effluent limit; and

[C./B. Sludge sampling will be established in the permit.

[2. *Sampling frequency shall be representative of the discharge during the period the sampling covers (daily, weekly, monthly, seasonally, etc.).]*

[3.] 2. **Unless otherwise specified in the operating permits,** [S/sample types shall be *[as follows]*:

A. *[Samples collected from]* **Grab samples for** lagoons *[may be grab samples]* **and recirculating media beds;**

B. *[Samples collected from]* **Twenty-four- (24-) hour composite samples for** mechanical plants *[shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit];* and

C. Sludge samples *[shall]* **will** be a grab sample unless otherwise specified in the operating permit.

[4./3. The monitoring frequency and sample types stated in paragraphs (5)(B)1. through [3.] 2. of this rule are minimum requirements. *[The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.]*

(6) Effluent Limitations for Special Streams.

(A) Limits for Outstanding National Resource Waters as listed in Table D of 10 CSR 20-7.031 and Drainages Thereto.

1. In addition to the requirements of section (9) of this rule, the following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility to waters included in this section.

2. Discharges from wastewater treatment facilities, which receive primarily domestic waste, or from POTWs are limited as follows:

A. New releases from any source are prohibited;

B. Discharges from sources that existed before June 29, 1974, or if additional stream segments are placed in this section, discharges that were permitted at the time of the designation will be allowed.

3. Industrial, agricultural, and other non-domestic contaminant sources, point sources, or wastewater treatment facilities which are not included under subparagraph (6)(A)2.B. of this rule shall not be allowed to discharge. *[Agrichemical facilities shall be designed and constructed so that all bulk liquid pesticide nonmobile storage containers and all bulk liquid fertilizer nonmobile storage containers are located within a secondary containment facility. Dry bulk pesticides and dry bulk fertilizers shall be stored in a building so that they are protected from the weather. The floors of the buildings shall be constructed of an approved design and material(s). At an agrichemical facility, all transferring, loading, unloading, mixing, and repackaging of bulk agrichemicals shall be conducted in an operational area.]* All precipitation collected in the operational containment area or secondary containment area as well as process generated wastewater shall be stored and disposed of in a no-discharge manner.

4. Monitoring requirements.

A. The department will develop a wastewater and sludge sampling program based on design flow *[that will require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—]* **and other site-specific factors. Sampling frequency shall not exceed once per day.**

[I] *Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;*

[II]/I *[Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year.]* The department may establish less frequent sampling requirements for point

sources that produce an effluent that does not exhibit high variability and consistently complies with the applicable effluent limit;

*[(III)](II) Sludge sampling will be established in the permit.*

*[B. Sampling frequency shall be representative of the discharge during the period the sampling covers (daily, weekly, monthly, seasonally, etc.).]*

*[C./B. Unless otherwise specified in the operating permit, [S/sample types shall be [as follows]:*

*(I) [Samples collected from] Grab samples for lagoons [may be grab samples] and recirculating media beds;*

*(II) [Samples collected from] Twenty-four- (24-) hour composite samples for mechanical plants [shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit]; and*

*(III) Sludge samples [shall] will be a grab sample unless otherwise specified in the operating permit.*

*[D./C. The monitoring frequency and sample types stated in subparagraphs (6)(A)4.A. through [C.] B. of this rule are minimum requirements. [The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.]*

#### (7) Effluent Limitations for Subsurface Waters.

(A) No person shall release any water into aquifers, store or dispose of water in a way which causes or permits it to enter aquifers either directly or indirectly unless it meets the requirements of section (9) of this rule and it meets the appropriate groundwater protection criteria set in 10 CSR 20-7.031, Table A at a point ten feet (10') under the release point, or other compliance point based on site specific considerations, except as provided in subsection[s] (7)(E) and (F)](D) of this rule. The permit writer shall review the complete application and other data to determine which parameter to include in the permit.

*[(D) Where any wastewater treatment facility or any water contaminant source or point source incorporates the use of land treatment systems which allows or can reasonably be expected to allow wastewater effluents to reach the aquifer. Compliance with subsection (7)(A) of this rule shall be determined by a site-specific monitoring plan.]*

*[(E)](D) The effluent limitations specified in subsection (7)(A) of this rule shall not apply to facilities designed and constructed to meet department design criteria provided these designs have been reviewed and approved by the department. The department has the right to require monitoring, reporting, public notice, and other information as deemed appropriate. This exemption may be revoked by the department should any monitoring indicate an adverse effect on a beneficial water use or if the numeric criteria in the Water Quality Standards are being exceeded.*

*[(F)](E) Any person not included in subsection (7)(E)](D) of this rule who releases, stores, or disposes of water in a manner which results in releases of water to an aquifer having concentrations in excess of one (1) or more parameter limitations provided in subsection (7)(A) of this rule may be allowed to resample for purposes of verification of the excess. At their discretion, persons may demonstrate, at the direction of the department, that the impact on the water quality in the aquifer is negligible on the beneficial uses. The demonstration shall consider, at a minimum, the following factors:*

- 1. Site geology;*
- 2. Site geohydrology;*
- 3. Existing and potential water uses;*
- 4. Existing surface water and groundwater quality;*
- 5. Characteristics of wastes or wastewater contained in facilities; and*
- 6. Other items as may be required by the department to assess the proposal.*

A. Demonstrations conducted under 10 CSR 25-18.010 shall be reviewed by the department in accordance with such rules. If the

demonstrations show that the impact on groundwater quality will not result in an unreasonable risk to human health or the environment, alternate effluent limitations will be established by the department.

B. All other demonstrations shall be reviewed by the department. If the demonstrations show that the impact on groundwater quality will not result in an unreasonable risk to human health or the environment, alternate effluent limitation(s) will be proposed by the department and presented to the Clean Water Commission for approval. The Clean Water Commission has the right to require monitoring, reporting, public notice, and other information as deemed appropriate in the approval of the alternate limitation for one (1) or more parameters from subsection (7)(A) of this rule. The Clean Water Commission may hold a public hearing to secure public comment prior to final action on an alternate limitation.

C. No alternate limitations will be granted which would impair beneficial uses of the aquifer or threaten human health or the environment.

D. Alternate limitations may be revoked by the department should any monitoring indicate an adverse effect on a beneficial water use or violations of the alternate limitation.

(8) Effluent Limitations for All Waters, Except Those in Paragraphs (1)(B)1.-6. of This Rule. In addition to the requirements of section (9) of this rule, the following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

(A) Discharges from wastewater treatment facilities which receive primarily domestic waste or POTWs shall undergo treatment sufficient to conform to the following limitations:

1. BOD<sub>5</sub> and TSS equal to or less than a monthly average of thirty milligrams per liter (30 mg/L) and a weekly average of forty-five milligrams per liter (45 mg/L);

2. pH shall be maintained in the range from six to nine (6-9) standard units in accordance with 40 CFR 133.102 "Secondary Treatment Regulation" October 16, 1984, as published by the Office of the Federal Register, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408 which is hereby incorporated by reference and does not include later amendments or additions;

3. The limitations of paragraphs (8)(A)1. and 2. of this rule will be effective unless an alternate limitation will not cause violations of the Water Quality Standards or impairment of the uses in the standards. When an Antidegradation Review has been completed for new or expanded discharges, the following alternate limitation may also be allowed:

A. If the facility is a wastewater lagoon, the TSS shall be equal to or less than a monthly average of eighty milligrams per liter (80 mg/L) and a weekly average of one hundred twenty milligrams per liter (120 mg/L) and the pH shall be maintained above six (6.0) and the BOD<sub>5</sub> shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

B. If the facility is a trickling filter plant, the BOD<sub>5</sub> and TSS shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

C. Where the use of effluent limitations set forth in section (8) of this rule is known or expected to produce an effluent that will endanger water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams/. *When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study in accordance with any applicable compliance schedule]; and*

D. The department may require more stringent limitations than authorized in paragraphs (8)(A)1. and 2. and subparagraphs (8)(A)3.A., B., and C. of this rule under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD<sub>5</sub> and TSS limits based upon an analysis of the past performance, rounded up to the next five milligrams per liter (5 mg/L) range; and

(II) If the facility is a new facility the department may set the BOD<sub>5</sub> and TSS limits based upon the design capabilities of the plant considering geographical and climatic conditions:

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD<sub>5</sub> equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L) and TSS equal to or less than a monthly average of seventy milligrams per liter (70 mg/L) and a weekly average of one hundred ten milligrams per liter (110 mg/L); or

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD<sub>5</sub> and TSS equal to or less than a monthly average of forty milligrams per liter (40 mg/L) and a weekly average of sixty milligrams per liter (60 mg/L); **and**

*[4. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and]*

*[5.]4. When the wastewater treatment process causes nitrification which affects the BOD<sub>5</sub> reading, the permittee can petition the department to substitute carbonaceous BOD<sub>5</sub> in lieu of regular BOD<sub>5</sub> testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD<sub>5</sub> at five milligrams per liter (5 mg/L) less than the regular BOD<sub>5</sub> in the operating permit.*

(B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow *[that will require, at a minimum, one (1) wastewater sample per year for each fifty thousand (50,000) gpd of effluent, or fraction thereof, except that—]* **and other site-specific factors. Sampling frequency shall not exceed once per day.**

*[A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;]*

*[B.]A. The department may establish less frequent sampling requirements for point sources that produce an effluent that does not exhibit high variability and consistently complies with the applicable effluent limit; and*

*[C.]B. Sludge sampling will be established in the permit.*

*[2. Sampling frequency shall be representative of the discharge during the period the sampling covers (daily, weekly, monthly, seasonally, etc.).]*

*[3.]2. Unless otherwise specified in the operating permit, [S]sample types shall be [as follows]:*

A. *[Samples collected from] Grab samples for lagoons [may be grab samples] and recirculating media beds;*

B. *[Samples collected from] Twenty-four- (24-) hour composite samples for mechanical plants [shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit]; and*

C. Sludge samples *[shall]* **will** be a grab sample unless otherwise specified in the operating permit.

*[4.]3. The monitoring frequency and sample types stated in paragraphs (8)(B)1. through [3.] 2. of this rule are minimum requirements. [The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.]*

(9) General Conditions.

(A) Establishing Effluent Limitations. Unless a formal variance from water quality standards have been approved by the Clean Water Commission and the U.S. Environmental Protection Agency, operat-

ing permits *[as required]* **issued** under 10 CSR 20-6.010/(5)/(7) shall include, if applicable, the most protective limits set forth as follows:

1. Technology-based effluent limits and standards based on specific requirements under sections (2) through (8) of this rule;

2. Water quality-based effluent limits based on a waste load allocation in accordance with federal regulations (40 CFR 122.44(d)(1)), which would address pollutants that have a reasonable potential to cause or contribute to an excursion above Water Quality Standards established in 10 CSR 20-7.031.

A. Local effluent and receiving water data may be used to develop site specific effluent limits provided the department determines that this data is representative and 10 CSR 7.031 provides for their development;

B. Water quality-based effluent limitations incorporating mixing zones and zones of initial dilution as provided for in 10 CSR 20-7.031(5)(A)4.B. may be based on stream flows other than critical low-flow conditions, if the following conditions are met:

(I) The limits are protective of critical low-flow conditions, as well as higher flow conditions; and

(II) The permit shall require in-stream flow measurements and methods to determine compliance;

3. Effluent limit guidelines or standards that have been federally promulgated under Sections 301, 304, 306, 307, 318, and 405 of the Clean Water Act and case-by-case determinations of technology-based effluent limitations under section 402(a)(1) of the Clean Water Act;

4. Effluent limits *[prescribed for pollutants under] for discharges subject to a TMDL, as required under Section 303(d)(1)(C) of the Clean Water Act,* necessary to achieve water quality standards, including permit limits in lieu of a TMDL. *[TMDL waste load allocations] Permit limitations consistent with the requirements and assumptions of an approved waste load allocation within a TMDL shall be placed in permits [at renewal, and in subsequent renewals] as needed.* Permits may include schedules of compliance and, if developed, follow TMDL implementation plans, **adaptive management approaches** or other flexibilities so long as they are allowed by federal regulation. The department may reopen existing permits to implement TMDL requirements;

5. Effluent limits that are developed through the antidegradation review process, provided there is reasonable potential to exceed these limits; **and**

*[6. Effluent limits prescribed for stormwater discharges as required under 10 CSR 20-6.200 Storm Water Regulations; and]*

*[7.]6. Effluent Limits that are required as a result of legal agreements between dischargers and the department or the Clean Water Commission, or as otherwise required or allowed by law.*

(B) Bacteria and Statewide Nutrient Limits. Operating Permits as required under 10 CSR 20-6.010/(5)/(7) shall include, if applicable, the following bacteria and nutrient limits:

1. Bacteria. The following water quality *Escherichia coli* (*E. coli*) discharge limits apply:

A. Discharges to stream segments designated in Table H of 10 CSR 20-7.031 for whole body contact recreation and secondary contact recreation shall not exceed the water quality *E. coli* counts established in subsection (5)(C) of 10 CSR 20-7.031;

B. Discharges to lakes designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in subsection (5)(C) of 10 CSR 20-7.031;

*[C. Discharges to privately-owned lakes classified as L3, as defined in subsection (1)(F) of 10 CSR 20-7.031, that are designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality E. coli counts established in subsection (5)(C) of 10 CSR 20-7.031. Discharges include releases into streams one-half (1/2) stream mile (.80 km)*

*before the stream enters the lake as measured to its conservation pool;]*

**[D./C.** Discharges located within two (2) miles upstream of stream segments or lakes designated for whole body contact recreational or secondary contact recreational in Tables H and G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in subsection (5)(C) of 10 CSR 20-7.031 for the receiving stream segment or lake designated for those uses;

**[E./D.** *[Short-term] E. coli* limits. During the recreation season, discharges to waters designated for whole body contact “A” as defined in part (1)(C)2.A.(I) of 10 CSR 20-7.031 shall be limited to *[six hundred thirty (630)] one hundred twenty-six (126)* colony forming units per one hundred (100) milliliters (ml) expressed as a *[weekly] monthly* geometric mean for POTWs and *[as a daily maximum for]* non-POTWs. During the recreation season, discharges to waters designated for whole body contact “B” as defined in part (1)(C)2.A.(II) of 10 CSR 20-7.031 shall be limited to *[one thousand thirty (1,030)] two hundred six (206)* colony forming units per one hundred (100) ml expressed as a *[weekly] monthly* geometric mean for POTWs and *[as a daily maximum for]* non-POTWs. During the recreation season, discharges to waters designated for secondary contact recreational as defined in subparagraph (1)(C)/9./2.B. of 10 CSR 20-7.031 shall be limited to one thousand one hundred thirty-four (1,134) colony forming units per one hundred (100) ml expressed as a *[weekly] monthly* geometric mean for POTWs and *[as a daily maximum for]* non-POTWs. For the entire calendar year, discharges to waters that are defined by paragraph (1)(B)3. of this rule as losing streams shall be limited to one hundred twenty-six (126) colony forming units per one hundred (100) ml expressed as a daily maximum;

**E. Short-term *E. coli* limits.** Short-term effluent limitations shall be expressed as a daily maximum for non-POTWs and as a weekly geometric mean for POTWs. Short-term effluent limitations for discharges to waters designated for whole body contact “A” and “B” as well as those designated for secondary contact recreation shall be derived by multiplying the monthly geometric mean effluent limitations identified in (9)(B)D. of this rule by a factor of five (5), except that alternative multipliers may be utilized to calculate short-term *E. coli* limitations when proposed and incorporated into permits. At no time shall using alternative multipliers in short-term effluent limitations cause or contribute to an excursion of the in-stream water quality criteria.

**F.** As an alternative to the limits prescribed in subparagraphs (9)(B)1.A. through E. of this rule, the department may allow permit applicants to conduct a study to develop *E. coli* limits that reflect pathogen decay. Prior to conducting this study applicants shall submit a quality assurance project plan for approval prior to the study, and submit all findings as part of their permit application; and

**G.** Notwithstanding the bacteria limits prescribed in paragraphs (9)(1)A. through F. of this rule, discharges to losing streams shall be considered in compliance so long as no more than ten (10) percent of samples exceed one hundred twenty-six (126) colony forming units per one hundred (100) ml daily maximum;

**2. Nutrients.** Reserved for Statewide Nutrient Effluent Limits.

**(C) Schedules of Compliance.**

**1.** Compliance with new or revised National Pollutant Discharge Elimination System (NPDES) or Missouri operating permit limitations shall be achieved and in accordance with the federal regulation 40 CFR Part 122.47, “Schedules of Compliance,” May 15, 2000, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, which is hereby incorporated by reference and does not include later amendments or additions.

**[2. If any permit allows a time for achieving final compliance from the date of permit issuance, the schedule of compliance in the permit shall set forth interim requirements and the dates for their achievement. The time between interim dates shall not exceed one (1) year, except that in the**

**case of a schedule for compliance with standards for sewage sludge use and disposal, the time between interim dates shall not exceed six (6) months.**

**3. Within fourteen (14) days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee’s compliance or noncompliance with the interim or final requirement for the dates.]**

**[4./2.** A compliance schedule may be modified *[if the department determines good cause exists such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonable remedy. Applicants may request a modification by providing appropriate justification. In no case shall the compliance schedule be modified to extend beyond an applicable statutory deadline.]* in accordance with the federal regulation **40 CFR 122.62** “Modification or revocation and reissuance of permits,” November 20, 2008, as published by the Office of the Federal Register, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408 which is hereby incorporated by reference and does not include later amendments or additions.

**(D) Monitoring, Analysis, and Reporting.**

**1.** All construction and operating permit holders shall submit reports at intervals established by the permit or at any other reasonable intervals required by the department. The monitoring and analytical schedule shall be as established by the department in the operating permit.

**2.** The analytical and sampling methods used must conform to *[the following reference methods unless alternates are approved by the department:]* federal regulation **40 CFR Part 136.3** “Identification of test procedures,” August 28, 2017, as published by the Office of the Federal Register, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408 which is hereby incorporated by reference and does not include later amendments or additions.

**[A. Standard Methods for the Examination of Waters and Wastewaters (14, 15, 16, 17, 18, 19, 20, and 21st Edition), published by the Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314;**

**B. Water Testing Standards, Vol. 11.01 and 11.02, published by American Society for Testing and Materials, West Conshohocken, PA 19428;**

**C. Methods for Chemical Analysis of Water and Wastes (EPA- 600/4-79-020), published by the Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 54202; and**

**D. NPDES Compliance Sampling Inspection Manual, (EPA-305-X-04-001), published by Environmental Protection Agency, Office of Enforcement and Compliance Assurance 1200 Pennsylvania Avenue, N.W., Washington, DC 20460 (July 2004).]**

**3. Approval of alternative test procedures shall follow the criteria set forth in federal regulation 40 CFR 136.4 “Application for and approval of alternate test procedures for nationwide use,” August 28, 2017, as published by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408 or federal regulation 40 CFR 136.5 “Approval of alternate test procedures for limited use,” August 28, 2017, as published by the Office of the Federal Register, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408, which are incorporated by reference and do not include later amendments or additions.**

**[3./4.** Sampling and analysis by the department to determine violations of this regulation will be conducted in accordance with the methods listed in paragraph (9)(D)2. of this rule or any other approved by the department. Violations may be also determined by

review of the permittee's self-monitoring reports.

**[4./5.]**If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in the permit, the permittee shall provide the department with the following information, with the next discharge monitoring report as required under subsection (9)(D) of this rule:

A. A description of the discharge and cause of noncompliance;

B. The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

C. The steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

**[5./6.]**In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the federal Clean Water Act, the information required by paragraph (9)(D)4. of this rule regarding a violation of this standard shall be provided within twenty-four (24) hours from the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation or potential violation. This information may be provided via an electronic web-based system developed by the department, provided it is available. If this information is provided orally, a written submission covering these points shall be provided within five (5) working days of the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation.

**[6./7.]**Bacteria Monitoring for Disinfection.

A. For systems that have a design capacity of greater than one hundred thousand (100,000) gpd, a minimum of one (1) sample shall be collected for *E. coli* analysis each calendar week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in subsection (5)(C) of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month. Compliance with the short-term *E. coli* limits established in subparagraph (9)(B)1.E. of this rule shall also be determined.

B. For systems that discharge to stream segments that are defined by paragraph (1)(B)3. as losing streams and have a design capacity of greater than one hundred thousand (100,000) gpd, a minimum of one (1) sample shall be collected for *E. coli* analysis each calendar week all year. Compliance with the *E. coli* water quality standard established in subsection (5)(C) of 10 CSR 20-7.031 and with the short term *E. coli* limits established in subparagraph (9)(B)1.E. of this rule shall also be determined.

C. For systems that have a design capacity of one hundred thousand (100,000) gpd or less, the sampling frequency for *E. coli* analysis shall be in accordance with the wastewater and sludge sampling program based on the design flow which is dependent upon the receiving water category as listed in subsection (1)(B) of this rule. Compliance with the *E. coli* water quality standard established in subsection (5)(C) of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month. Compliance with the short-term *E. coli* limits established in subparagraph (9)(B)1.E. of this rule shall also be determined.

**[7./8.]**Statewide Monitoring for Nutrients. Point sources that have the design capacity of greater than one hundred thousand (100,000) gpd that typically discharge nitrogen and phosphorus shall collect and analyze *[a minimum of one (1) effluent sample each calendar quarter for one (1) permit cycle or up to (5) five years if the first permit term is less than five (5) years. The samples shall be analyzed for total nitrogen and total phosphorus using EPA approved test methods. This provision shall not limit the department from imposing ongoing or more frequent monitoring in permits that impose effluent limits for total nitrogen or total phosphorus or in situations in which monitoring is appropriate to ensure compliance*

*with water quality standards. The quarterly monitoring frequency for total phosphorus does not apply to dischargers that are subject to the specific lake limits and monitoring requirement specified under subsections (3)(E) and (F) of this rule.]* influent and effluent samples for total phosphorus, ammonia, total kjeldahl nitrogen and nitrate plus nitrite utilizing methods outlined in (D)2. of this section using the following frequencies:

A. Quarterly for facilities with design capacities greater than one hundred thousand (100,000) gpd and less than one million (1,000,000) gpd per day for a period up to five (5) years. The department may require additional monitoring to ascertain a discharge's nutrient contribution and the efficacy of the treatment technology as it pertains to nutrient removal.

B. Monthly for facilities with design capacities greater than or equal to one million (1,000,000) gpd for a period up to five (5) years. The department may require additional monitoring to ascertain a discharge's nutrient contribution and the efficacy of the treatment technology as it pertains to nutrient removal.

C. The department may impose ongoing or more frequent monitoring in permits that impose effluent limits for total nitrogen or total phosphorus or in situations in which monitoring is appropriate to ensure compliance with water quality standards or specific lake limits specified under subsection (3)(E) and (F) of this rule.

(G) Bypass. Bypass means the intentional diversion of waste streams from any portion of a treatment facility, except in the case of blending. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. Blending is the practice of diverting wet-weather flows around any treatment unit and recombining those flows within the treatment facility, while providing primary and secondary or biological treatment up to the available capacity, consistent with all applicable effluent limits and conditions. **Stipulations regarding bypass allowances, prohibitions and reporting requirements shall comply with federal regulation 40 CFR 122.41 "Conditions applicable to all permits (applicable to state programs, See section 123.25), October 22, 2015, as published by the Office of the Federal Register, National Archives and Records Administration, 700 Pennsylvania Avenue, Washington, DC 20408, which are incorporated by reference and do not include later amendments or additions.**

**[1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (9)(G)3. and 4. of this rule.**

**2. Notice.**

A. *Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the department, if possible at least ten (10) days before the date of the bypass.*

B. *Unanticipated bypass. The permittee shall notify the department by telephone within twenty-four (24) hours and follow with a written report within five (5) days from the time the permittee becomes aware of the circumstances of all bypasses or shutdowns that result in a violation of permit limits or conditions and which may endanger human health or the environment. The twenty-four (24)-hour and five (5) day reports may be provided via an electronic web-based system developed by the department, provided it is available, or by facsimile machine. POTWs that bypass during storm water inflow and infiltration events need only report on their*

*discharge monitoring reports so long as the bypass does not result in violations of permit limits or conditions or endanger human health or the environment.*

3. *Prohibition of bypass. Bypass is prohibited, and the department may take enforcement action against a permittee for bypass, unless:*

A. *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*

B. *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and*

C. *The permittee submitted notices as required under paragraph (9)(G)2. of this rule.*

4. *The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three (3) conditions listed in paragraph (9)(G)3. of this rule.]*

(I) Industrial, agricultural, and other nondomestic water contaminant sources, point sources, or wastewater treatment facilities which are not included under subsections (2)(B) or (8)(B) of this rule—

1. These facilities shall meet the applicable control technology currently effective as published by the EPA in 40 CFR 405–471. Where there are no standards available or applicable, the department shall set specific parameter limitations using best professional judgment. The pH shall be maintained in the range from six to nine (6–9) standard units, except that discharges of uncontaminated cooling water and water treatment plant effluent may exceed nine (9) standard units, but may not exceed ten and one-half (10.5) standard units, if it can be demonstrated that the pH will not exceed nine (9) standard units beyond the regulatory mixing zone; and

2. *[Agrichemical facilities shall be designed and constructed so that all bulk liquid pesticide nonmobile storage containers and all bulk liquid fertilizer nonmobile storage containers are located within a secondary containment facility. Dry bulk pesticides and dry bulk fertilizers shall be stored in a building so that they are protected from the weather. The floors of the buildings shall be constructed of an approved design and material(s). At an agrichemical facility, the following procedures shall be conducted in an operational area: all transferring, loading, unloading, mixing, and repackaging of bulk agrichemicals.]* All precipitation collected in the operational containment area or secondary containment area as well as process generated wastewater shall be stored and disposed of in a no-discharge manner or treated to meet the applicable control technology referenced in paragraph (9)(I)1. of this rule.

(L) Whole Effluent Toxicity (WET) Test. The following are permit requirements for acute and chronic WET tests:

1. WET tests *[are required under 10 CSR 20-6.010(8)(A)4. and]* are to be conducted according to the methods prescribed in 40 CFR 136.3;

2. Test Types.

A. Acute WET tests shall be a multiple dilution series, static, non-renewal test to determine the degree at which acute forty-eight to ninety-six hour (48–96 hour) exposure to the effluent is acutely toxic to aquatic life expressed in species survival.

B. Chronic WET test shall be a multiple dilution series, static, renewal test to determine the degree at which chronic (sub lethal) exposure to the effluent is toxic to aquatic life or affects an alternative endpoint such as species reproduction and/or growth. Duration of chronic WET tests shall be established according to 40 CFR 136.3 Identification of test procedures, promulgated as of July 1, 2011, is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions;

3. Applicability. WET test type and frequency shall be determined and expressed in permits by the department. At permit issuance or reissuance, the department will use valid and representative data to establish on a case-by-case basis, whether an existing discharge causes, has the reasonable potential to cause, or contributes to an excursion from the narrative water quality criteria. Where the department concludes that a discharge has the reasonable potential to contribute to an excursion from the narrative water quality criteria, as established in 10 CSR 20-7.031 the permit will include WET limits. If the department determines the facility has no reasonable potential to violate water quality standards, WET testing may be removed, or if more information is required, WET testing may be retained at a reduced frequency. WET test applicability for NPDES permits shall be fully addressed in the permit factsheet; and

4. Specifications.

A. A dilution series shall be established in the permit for WET test. The dilution series shall be a set of proportional effluent dilutions based on an Allowable Effluent Concentration (AEC).

B. All WET tests shall be performed with *Pimephales promelas* (a fathead minnow) and *Ceriodaphnia dubia* (a water flea), except facilities which discharge to receiving streams designated as cold-water fisheries. Facilities which discharge to receiving streams designated as cold-water fisheries may be required to perform WET tests using *Oncorhynchus mykiss* (rainbow trout) instead of the fathead minnow. Other test species for which test methods are provided in 40 CFR 136.3 may be approved by the department on a case-by-case basis provided the species are appropriately sensitive and representative. Alternative species (not included in 40 CFR 136.3) shall be approved in accordance with the procedures in 40 CFR 136.4. Application for alternate test procedures, promulgated as of *[July 1, 2011] August 28, 2017*, is hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

C. A Toxic Unit (TU) water quality based limit shall be established in the permit for WET test where the department concludes that a discharge has the reasonable potential to cause or contribute to an excursion from the narrative water quality criteria as established in 10 CSR 20-7.031(4)(D). The TU limit shall be determined in accordance with 40 CFR 122.44(d)(1)(v) and utilizing the methods established in Technical Support Document For Water Quality-based Toxics Control (March 1991, EPA, EPA/505/2-90-001) and documented in the factsheet. Exceedance of a TU limit shall be a WET test failure.

D. Upon completion of a WET test the lab report and department form as referenced in the permit shall be submitted by the permittee to the department within the timeframe established by the permit.

*AUTHORITY: section 644.026, RSMo [Supp. 2013] 2016. Original rule filed June 6, 1974, effective June 16, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed June 15, 2018.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions \$1,204,632 in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities three hundred thirteen thousand ninety-two dollars (\$313,092) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Department of Natural Resources, Water Protection Program, Jane Davis, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, which is 5 pm August 23, 2018. A public hearing is scheduled August 15, 2018 at the Department of Natural Resources, 1730 East Elm Street, Jefferson City, MO 65101.*



FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	10 CSR 20-7.015 Effluent Regulations
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate**
Publically Owned Treatment Works including Municipal and Publicly Owned Sewer Districts	\$1,204,632
Missouri Department of Corrections	\$1,404

III. Worksheet

New nutrient monitoring requirements for wastewater treatment facilities with flows greater than 100,000 gallons per day.

Costs of monitoring\*

Total Phosphorus monitoring = \$24 per sample

Total Nitrogen (Speciated as ammonia, total kjeldahl nitrogen and nitrites + nitrates) = \$93 per sample

1. Publically owned treatment works with flows greater than 100,000 gallons per day but less than 1 million gallons per day will be required to conduct quarterly influent and effluent monitoring for both phosphorus and nitrogen. As these facilities are currently monitoring effluent quarterly, there is no additional cost for effluent sampling. A query of Department records identifies 268 such facilities.

Influent sampling

$(\$24 + \$93) * 4 \text{ samples/year} * 268 \text{ facilities} = \$125,424 \text{ annually.}$

2. Publically owned treatment works with flows of 1 million gallons per day and greater will be required to conduct monthly influent and effluent monitoring. These facilities are currently required to conduct quarterly effluent monitoring for these parameters so the total increase in effluent monitoring will be eight samples per year instead of 12. A query of Department records identifies 118 such facilities.

Influent sampling

$(\$24 + \$93) * 12 \text{ samples/year} * 118 \text{ facilities} = \$165,672 \text{ annually}$

Effluent sampling

$(\$24 + \$93) * 8 \text{ samples/year} * 118 \text{ facilities} = \$110,448 \text{ annually}$

Combined sampling cost

$\$110,448 + \$165,672 = \$276,120 \text{ annually}$

Combined sampling cost for all publically owned treatment facilities with flows greater than 100,000 gallons per day.

$\$276,120 + \$125,424 = \$401,544 \text{ annually}$

3. Missouri Department of Corrections owns a wastewater treatment facility with flows greater than 100,000 gallons per day but less than 1 million gallons per day. This facility will be required to conduct quarterly influent monitoring.

Influent sampling

$(\$24 + \$93) * 4 \text{ samples/year} = \$468 \text{ annually}$

#### IV. Assumptions

\* Costs utilized for these calculations were obtained from an analytical laboratory in Missouri that routinely analyses wastewater samples. These costs may vary around the state.

\*\* The aggregate costs were calculated by multiplying the total annual costs identified in 2. and 3. above by a factor of three. This assumption was based on the potential for this rule to be amended at the next triannual review.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	10 CSR 20-7.015 Effluent Regulations
Type of Rulemaking	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:***
*49 (5 of these facilities have flows of 1 million gallons per day or more)	Entities that have domestic or sanitary sewer contributions. SIC Codes including but not limited to 4952, 8641, 6515, 6512, and 8661	\$96,876
*114 (77 of these facilities have flows of 1 million gallons per day or more)	Stormwater and industrial process wastewater facilities with SIC codes including but not limited to 4911, 1629 and 4941	\$216,216

III. Worksheet

Costs of monitoring\*\*

Total Phosphorus monitoring – \$24 per sample

Total Nitrogen (Speciated as ammonia, total kjeldahl nitrogen and nitrites + nitrates) – \$93 per sample

1. Privately owned facilities with domestic or sanitary wastewater contributions and have flow greater than 100,000 gallons per day but less than 1 million gallons per day will be required to conduct quarterly influent and effluent monitoring for both phosphorus and nitrogen. As these facilities are currently monitoring effluent quarterly, there is no additional cost for effluent sampling. A query of Department records identifies 44 such facilities.

Influent sampling

$(\$24 + \$93) * 4 \text{ samples/year} * 44 \text{ facilities} = \$20,592 \text{ annually.}$

2. Privately owned facilities with domestic or sanitary wastewater contributions and have flow of 1 million gallons per day and greater will be required to conduct monthly influent and effluent monitoring. These facilities are currently required to conduct quarterly effluent monitoring for these parameters so the total increase in effluent monitoring will be eight samples per year instead of 12. A query of Department records identifies 5 such facilities.

Influent sampling

$(\$24 + \$93) * 12 \text{ samples/year} * 5 \text{ facilities} = \$7,020 \text{ annually}$

Effluent sampling

$(\$24 + \$93) * 8 \text{ samples/year} * 5 \text{ facilities} = \$4,680 \text{ annually}$

Combined sampling cost

$\$7,020 + \$4,680 = \$11,700 \text{ annually}$

Combined sampling cost for all privately owned treatment facilities with domestic or sanitary sewer contributions and have flows greater than 100,000 gallons per day.

$\$20,592 + \$11,700 = \$32,292 \text{ annually}$

3. Privately owned facilities that discharge stormwater or industrial wastewater and have design flows greater than 100,000 gallons per day and less than 1 million gallons per day would be required to conduct quarterly influent and effluent monitoring for nutrients. Applicable facilities are currently monitoring effluent quarterly for nutrients. Therefore the Department does not expect any additional costs. Due to the nature of these facilities and associated activities, the Department does not expect influent monitoring to be practical and/or possible. Therefore there should be no additional costs to these facilities as it pertains to nutrient monitoring.
4. Privately owned facilities that discharge stormwater or industrial wastewater and have design flows of 1 million gallons per day or more would be required to conduct monthly influent and effluent testing for nutrients. As with the facilities identified in 3. above, the department does not anticipate influent monitoring for these facilities to be practical and/or possible. As a result there should be no new costs related to influent monitoring. As applicable facilities are currently conducting quarterly effluent monitoring for nutrients, the new requirement for monthly testing would result in eight samples per year instead of 12. A query of Department records illustrates there are 77 such facilities.

Effluent sampling

$(\$24 + \$93) * 8 \text{ samples/year} * 77 \text{ facilities} = \$72,072 \text{ annually}$

## IV. Assumptions

\* Facility number totals include all facilities whether or not they “typically discharge nitrogen or phosphorus”. As a result, the overall costs are conservative in nature.

\*\* Costs utilized for these calculations were obtained from an analytical laboratory in Missouri that routinely analyses wastewater samples. These costs may vary around the state but are expected to be relatively close.

\*\*\* The aggregate costs were calculated by multiplying the total annual costs identified in 2. and 4. above by a factor of three. This assumption was based on the potential for this rule to be amended at the next triannual review.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Design Guides**

**PROPOSED RESCISSION**

**10 CSR 20-8.020 Design of Small Sewage Works.** This rule set out criteria as a guide in designing and constructing small sewage works. These criteria were not necessarily applicable to the design of works having daily flows in excess of 22,500 gallons per day. For works having larger flows, 10 CSR 20-8.110–10 CSR 20-8.220 reflect the minimum acceptable standards. This rule reflected the minimum requirements of the Missouri Department of Natural Resources for design, submission of plans, approval of plans and approval of completed small sewage works. These criteria were based on the best information presently available but they were subject to periodic review and revision as additional information and methods appear. Deviation from minimum requirements was allowed if sufficient documentation justifies the deviation. Addenda or supplements to this publication were furnished to consulting engineers and city engineers. Others wanting to receive addenda or supplements should contact the Missouri Clean Water Commission to be added to the mailing list.

*PURPOSE:* This rule is being rescinded to reduce duplication throughout Chapter 8. The requirements from this rule that are necessary to protect human and environmental health and safety will be incorporated into 10 CSR 20-8.110 and 10 CSR 20-8.210.

*AUTHORITY:* section 644.026, RSMo Supp. 1988. Original rule filed July 17, 1961, effective July 27, 1961. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 15, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for September 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.110 Engineering—Reports, Plans, and Specifications.** The Clean Water Commission is amending the chapter title and sections (1) through (5), (8) through (11), and adding new sections (6) and (7).

*PURPOSE:* This amendment will retain and add minimum design standards for engineering reports, plans, and specifications that are required to protect or improve public health, safety, and water quality.

*PURPOSE:* [The following criteria have been prepared as a guide for the preparation of engineering reports or facility

plans and detail plans and specifications. This rule is to be used with rules 10 CSR 20-8.120 through 10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission in regard to adequacy of design, submission of plans, approval of plans, and approval of completed wastewater treatment facilities. It is not reasonable or practical to include all aspects of design in these standards. The design engineer should obtain appropriate reference materials which include but are not limited to: copies of all ASTM International standards, design manuals such as Water Environment Federation's Manuals of Practice (MOPs), and other sewer and wastewater treatment design manuals containing principles of accepted engineering practice. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from the 2004 edition of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers Recommended Standards for Wastewater Facilities and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear.] This rule provides the minimum criteria for the preparation of engineering reports and facility plans and specifications related to the design of wastewater systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210 for the planning and design of a wastewater treatment facility. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

[(1) Definitions. Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms "shall" and "must" are used, they are to mean a mandatory requirement insofar as approval by the Missouri Department of Natural Resources (department) is concerned, unless justification is presented for deviation from the requirements. Other terms, such as "should," "recommend," "preferred," and the like, indicate the preference of the department for consideration by the design engineer.

(A) Deviations. Deviations from these rules may be approved by the department when engineering justification satisfactory to the department is provided. Justification must substantially demonstrate in writing and through calculations that a variation(s) from the design rules will result in either at least equivalent or improved effectiveness. Deviations are subject to case-by-case review with individual project consideration.

(2) Applicability. This rule shall apply to all facilities with a design flow of one hundred thousand (100,000) gallons (378.5 m<sup>3</sup>) per day or greater. This rule shall also apply to all facilities with a design flow of twenty-two thousand five hundred (22,500) gallons (85.2 m<sup>3</sup>) per day or greater until such time as 10 CSR 20-8.020 is amended.]

(1) Applicability. Engineering reports and facility plans and specifications shall be prepared based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities.

Requirements for these facilities are found in 10 CSR 20-8.500.

[(3)](2) General. All documents submitted to the Missouri Department of Natural Resources (department) for the purpose of complying with this rule shall be prepared, signed, sealed, and dated by a Missouri registered professional engineer.

[(A) Engineering Services. Engineering services are performed in three (3) steps—

1. Engineering report or facility plan;
2. Preparation of construction plans and specifications; and
3. Contractual documents, construction compliance, inspection, administration, and acceptance.

(B) 10 CSR 20-8.110 Engineering—Reports, Plans, and Specifications covers the items in paragraphs (3)(A)1. and 2. above.

(C) All reports, plans, and specifications must be submitted at least one hundred eighty (180) calendar days prior to the date upon which action by the department is desired, or in accordance with a National Pollutant Discharge Elimination System (NPDES) permit or other departmental schedules. The documents, at the appropriate times, must be submitted for formal approval and should include the engineer's report or facility plan, design drawings, and specifications. Engineering reports or facility plans must be approved by the department prior to the submittal of the design drawings, specifications, and the appropriate permit applications and fees. For projects involving both collection systems and wastewater treatment facilities, the information required in subsection (4)(B) must be included in the facility plan. These documents are used by the owner in programming future action, by the department to evaluate probable compliance with statutes and regulations, and by bond attorneys and investment houses to develop and evaluate financing. Engineering reports and facility plans should broadly describe existing problems; consider methods for alternate solutions including site and/or route selection; estimate capital and annual costs; and outline steps for further project implementation, including financing and approval by the department and other agencies. No approval for construction can be issued until final detailed plans and specifications with the design engineer's imprint of his/her registration seal with the date and engineer's signature affixed have been submitted and found to be satisfactory by the department.

(D) Engineering reports and facility plans shall include a statement identifying the continuing authority, a contact person for the authority, and the continuing authority phone number and address, along with the design engineer's imprint of his/her registration seal with the date and engineer's signature affixed to the document. ]

(A) Submittal. The design engineer must submit a project engineering report or facility plan to the department and receive department approval prior to submitting permit applications, plans, specifications, and fees.

(B) Engineering Reports or Facility Plans.

1. Engineering reports must be completed for projects involving collection systems, pumping stations, and force mains.

2. Facility plans must be completed for projects involving wastewater treatment facility projects and projects receiving department funding through the grant and loan programs under 10 CSR 20-4, Grants and Loans.

(C) Approval. Engineering report or facility plan approval does not authorize construction.

[(4) Engineering Report or Facility Plan.

(A) General.

1. The engineering report or facility plan identifies and

evaluates wastewater related problems; assembles basic information; presents criteria and assumptions; examines alternate projects, with preliminary layouts and cost estimates; describes financing methods; sets forth anticipated charges for users; reviews organizational and staffing requirements; offers a conclusion with a proposed project for client consideration; and outlines official actions and procedures to implement the project. The planning document must include sufficient detail to demonstrate that the proposed project meets applicable criteria.

2. The overall plan, including process description and sizing, factual data, and controlling assumptions and considerations for the functional planning of wastewater facilities, is presented for each process unit and for the whole system. These data form the continuing technical basis for the detailed design and preparation of construction plans and specifications.

3. Architectural, structural, mechanical, and electrical designs are usually excluded. Sketches may be desirable to aid in presentation of a project. Outline specifications of process units, special equipment, etc., are occasionally included.

4. Engineering reports must be completed for projects involving gravity sewers, pressure sewer systems, wastewater pumping stations, and force mains. Facility plans must be completed for projects involving wastewater treatment facility projects and projects receiving funding through the grant and loan programs under 10 CSR 20-4.

A. Unless required by the department, an engineering report will not have to be submitted for projects limited to only eight-inch (8") (20 cm) gravity sewer extensions.

(B) Engineering Reports. Engineering reports shall contain the following information and other pertinent information as required by the department:

1. Problem defined. Description of the existing system must include an evaluation of the conditions and problems needing correction;

2. Flow loads. The existing and design average and peak flows and waste load must be established. The basis of the projection of initial and future flows and waste load must be included and must reflect the existing, or initial service area, and the anticipated future service area. Flow loading information and data needed for new facilities are included in paragraph (4)(C)4. of this rule;

3. Impact on existing wastewater facilities. The impact of the proposed project on all existing wastewater facilities, including gravity sewers, pump stations, and treatment facilities, must be evaluated. Refer to 10 CSR 20-8.120 and 10 CSR 20-8.130;

4. Project description. A written description of the project is required;

5. Drawings. Drawings or sketches identifying the site of the project and anticipated location and alignment of proposed facilities are required;

6. Technical information and design criteria. All technical and design information used to design the collection system(s), pump station(s), etc., must be provided either in the engineering report or in the summary of design and shall include, at a minimum, design tabulation flow, size, and velocities; all pump station calculations including energy requirements; special appurtenances; stream crossings; and system map (report size). Outline unusual specifications, construction materials, and construction methods; maps, photographs, and diagrams; and other supporting data needed to describe the system. If an engineering report is not required, this information must be included in the summary of design. Refer to 10 CSR 20-8.110(5);

7. Site information. Project site information should

include topography, soils, geologic conditions, depth to bedrock, groundwater level, floodway or floodplain considerations, distance to water supply structures, roads, residences, and other pertinent site information; and

8. It is preferred that any request for a deviation from 10 CSR 20-8 be addressed along with the engineering justifications in the engineering report. Otherwise, all requests for deviations from 10 CSR 20-8.120 and 10 CSR 20-8.130 must accompany the plans and specifications.

(C) Facility Plans. Facility plans shall contain the following and other pertinent information as required by the department:

1. Problem evaluation and existing facility review—

A. Descriptions of existing system, including condition and evaluation of problems needing correction; and

B. Summary of existing and previous local and regional wastewater facility and related planning documents, if applicable;

2. Planning and service area. Drawings identifying the planning area, the existing and potential future service area, the site of the project, and anticipated location and alignment of proposed facilities are required;

3. Population projection and planning period. Present and predicted population shall be based on a twenty (20)-year planning period. Phased construction of wastewater facilities shall be considered in rapid growth areas. Sewers and other facilities with a design life in excess of twenty (20) years shall be designed for the extended period;

4. Hydraulic capacity.

A. Flow definitions and identification. The following flows for the design year shall be identified and used as a basis for design for sewers, pump stations, wastewater treatment facilities, treatment units, and other wastewater handling facilities. Where any of the terms defined in this section are used in these design standards, the definition contained in this section applies.

(I) Design average flow—The design average flow is the average of the daily volumes to be received for a continuous twelve (12)-month period expressed as a volume per unit time. However, the design average flow for facilities having critical seasonal high hydraulic loading periods (e.g., recreational areas, campuses, and industrial facilities) shall be based on the daily average flow during the seasonal period.

(II) Design maximum daily flow—The design maximum daily flow is the largest volume of flow to be received during a continuous twenty-four (24)-hour period expressed as a volume per unit time.

(III) Design peak hourly flow—The design peak hourly flow is the largest volume of flow to be received during a one (1)-hour period expressed as a volume per unit time.

(IV) Design peak instantaneous flow—The design peak instantaneous flow is the instantaneous maximum flow rate to be received.

B. Hydraulic capacity for existing collection and treatment systems.

(I) Projections shall be made from actual flow data to the extent possible.

(II) The probable degree of accuracy of data and projections shall be evaluated. This reliability estimation shall include an evaluation of the accuracy of existing data, based on no less than one (1) year of data, as well as an evaluation of the reliability of estimates of flow reduction anticipated due to infiltration/inflow (I/I) reduction or flow increases due to elimination of sewer overflows and backups.

(III) Critical data and methodology used shall be included. Graphical displays of critical peak wet weather

flow data (refer to parts (4)(C)4.A.(II), (III), and (IV) of this rule) shall be included for a sustained wet weather flow period of significance to the project.

C. Hydraulic capacity for new collection and treatment systems.

(I) The sizing of wastewater facilities receiving flows from new wastewater collection systems shall be based on an average daily flow of one hundred (100) gallons (0.38 m<sup>3</sup>) per capita per day plus wastewater flow from industrial facilities and major institutional and commercial facilities unless water use data or other justification upon which to better estimate flow is provided.

(II) The one hundred (100) gallons (0.38 m<sup>3</sup>) per capita per day figure shall be used, which, in conjunction with a peaking factor from the following Figure 1, included herein, is intended to cover normal infiltration for systems built with modern construction techniques. Refer to 10 CSR 20-8.120.



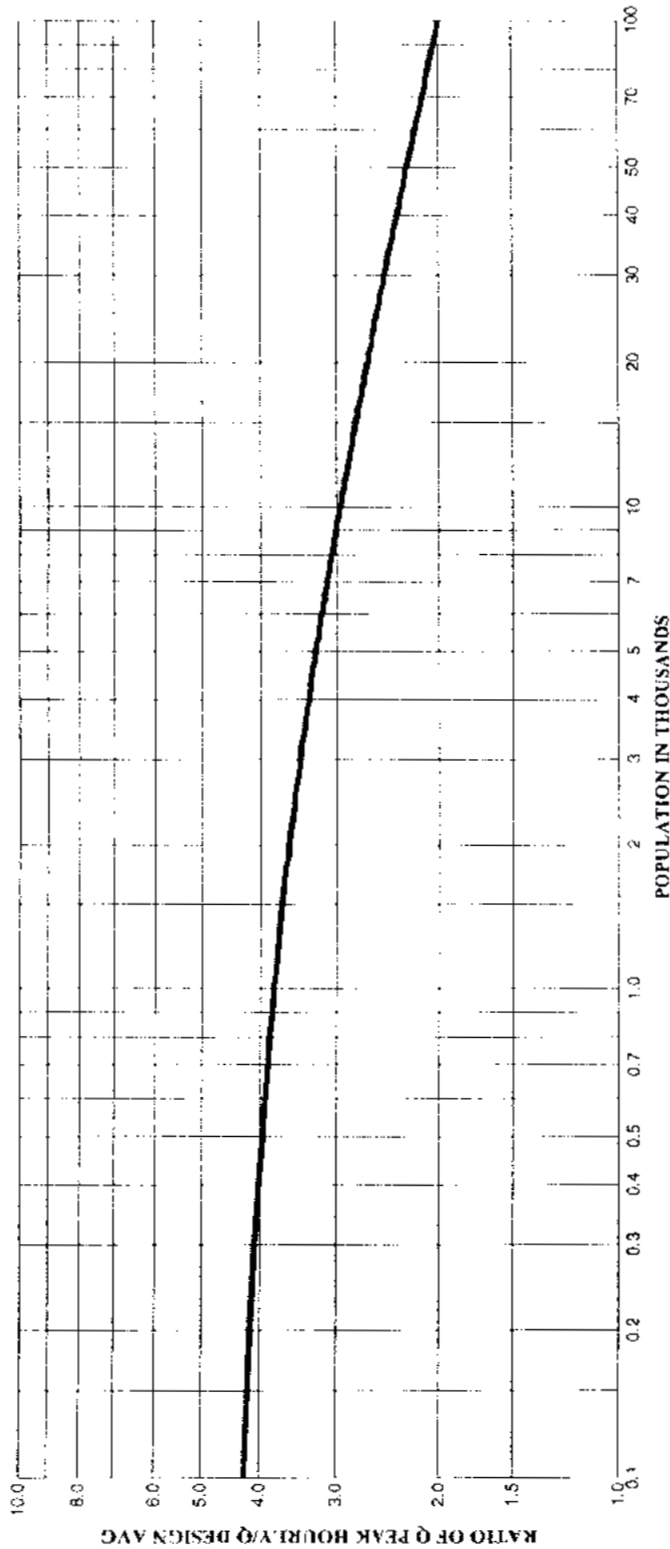


Figure 1. Ratio of peak hourly flow to design average flow.

where

$Q$  peak hourly = Maximum Rate of Wastewater Flow (Peak Hourly Flow)

$Q$  design avg = Design Average Daily Wastewater Flow

$$\text{Equation: } Q \text{ Peak Hourly} / Q \text{ Design Avg} = \frac{18 + \sqrt{P}}{4 + \sqrt{P}}$$

where

$P$  = population in thousands

(III) If the new collection system is to serve existing development, the likelihood of infiltration/inflow (I/I) contributions from existing service lines and non-wastewater connections to those service lines shall be evaluated and wastewater facilities designed accordingly.

D. Combined sewer interceptors. In addition to the above requirements, interceptors for combined sewers shall have capacity to receive sufficient quantity of combined wastewater for transport to treatment facilities to ensure attainment of the appropriate water quality standards;

5. Organic capacity.

A. Organic load definitions and identification. The following organic loads for the design year shall be identified and used as a basis for design of wastewater treatment facilities. Where any of the terms defined in this section are used in these design standards, the definition contained in this section applies.

(I) Biochemical Oxygen Demand—The five (5)-day Biochemical Oxygen Demand ( $BOD_5$ ) is defined as the amount of oxygen required to stabilize biodegradable organic matter under aerobic conditions within a five (5)-day period.

(a) Total five (5)-day Biochemical Oxygen Demand ( $TBOD_5$ ) is equivalent to  $BOD_5$  and is sometimes used in order to differentiate carbonaceous plus nitrogenous oxygen demand from strictly carbonaceous oxygen demand.

(b) The carbonaceous five (5)-day Biochemical Oxygen Demand ( $CBOD_5$ ) is defined as  $BOD_5$  less the nitrogenous oxygen demand of the wastewater.

(II) Design average  $BOD_5$ —The design average  $BOD_5$  is generally the average of the organic load received for a continuous twelve (12)-month period for the design year expressed as weight per day. However, the design average  $BOD_5$  for facilities having critical seasonal high loading periods (e.g., recreational areas, campuses, and industrial facilities) shall be based on the daily average  $BOD_5$  during the seasonal period.

(III) Design maximum day  $BOD_5$ —The design maximum day  $BOD_5$  is the largest amount of organic load to be received during a continuous twenty-four (24)-hour period expressed as weight per day.

(IV) Design peak hourly  $BOD_5$ —The design peak hourly  $BOD_5$  is the largest amount of organic load to be received during a one (1)-hour period expressed as weight per day.

B. Design of organic capacity of wastewater treatment facilities to serve existing collection systems.

(I) Projections shall be made from actual wasteload data to the extent possible.

(II) Projections shall be compared to subparagraph (4)(C)5.C. of this rule and an accounting made for significant variations from those values.

(III) Impact of industrial sources shall be documented.

C. Organic capacity of wastewater treatment facilities to serve new collection systems.

(I) Domestic wastewater treatment design shall be on the basis of at least 0.17 pounds (0.08 kg) of  $BOD_5$  per capita per day and 0.20 pounds (0.09 kg) of suspended solids per capita per day, unless information is submitted to justify alternate designs.

(II) Impact of industrial sources shall be documented.

(III) Data from similar municipalities may be utilized in the case of new systems. However, thorough investigation that is adequately documented shall be provided to the department to establish the reliability and applicability of such data;

6. Wastewater treatment facility design capacity. The

wastewater treatment facility design capacity is the design average flow at the design average  $BOD_5$ . Refer to paragraphs (4)(C)4. and (4)(C)5. of this rule for peaking factors that will be required.

A. Engineering criteria. Engineering criteria and assumptions used in the design of the project shall be provided in the facility plan. Refer to subsection (4)(D) of this rule for additional information.

B. If the project includes the land application of wastewater, the requirements in 10 CSR 20-8.220 must be included with the facility plan;

7. Initial alternative development. For projects receiving funding through the grant and loan programs in 10 CSR 20-4, the process of selection of wastewater treatment and collection system alternatives for detailed evaluation shall be discussed. All wastewater management alternatives considered and the basis for the engineering judgment for selection of the alternatives chosen for detailed evaluation shall be included;

8. Detailed alternative evaluation. The following shall be included for the alternatives to be evaluated in detail.

A. Sewer system revisions. Proposed revisions to the existing sewer system including adequacy of portions not being changed by the project.

B. Wet weather flows. Facilities to transport and treat wet weather flows in a manner that complies with state and local regulations must be provided. The design of wastewater treatment facilities and sewers shall provide for transportation and treatment of all flows including wet weather flows unless the owner's National Pollutant Discharge Elimination System (NPDES) permit authorizes a bypass.

C. Site evaluation. When a site must be used which is critical with respect to these items, appropriate measures shall be taken to minimize adverse impacts.

(I) Compatibility of the treatment process with the present and planned future land use, including noise, potential odors, air quality, and anticipated sludge processing and disposal techniques, shall be considered. Non-aerated lagoons should not be used if excessive sulfate is present in the wastewater. Wastewater treatment facilities should be separate from habitation or any area likely to be built up within a reasonable future period and shall be separated in accordance with state and local requirements.

(II) Zoning and other land use restrictions shall be identified.

(III) An evaluation of the accessibility and topography of the site shall be submitted.

(IV) Area for future plant expansion shall be identified.

(V) Direction of prevailing wind shall be identified.

(VI) Flood considerations, including the twenty-five (25)-year and one hundred (100)-year flood levels, impact on floodplain and floodway, and compliance with applicable regulations in 10 CSR 20-8 regarding construction in flood-prone areas, shall be evaluated.

(VII) Geologic information, depth to bedrock, karst features, or other geologic considerations of significance to the project shall be included. A copy of a geological site evaluation from the department's Division of Geology and Land Survey providing stream determinations (gaining or losing) must be included for all new wastewater treatment facilities. A copy of a geological site evaluation providing site collapse and overall potentials from the department's Division of Geology and Land Survey must be included for all earthen basin structures. Earthen basin structures shall not be located in areas receiving a severe overall geological collapse potential rating.

(VIII) Protection of groundwater including public

and private wells is of utmost importance. Demonstration that protection will be provided must be included. If the proposed wastewater facilities will be near a water source or other water facility, as determined by the department's Division of Geology and Land Survey or by the department's Public Drinking Water Branch addressing the allowable distance between these wastewater facilities and the water source must be included with the facility plan. Refer to 10 CSR 20-8.130 and 10 CSR 20-8.140.

(IX) Soil type and suitability for construction and depth to normal and seasonal high groundwater shall be determined.

(X) The location, depth, and discharge point of any field tile in the immediate area of the proposed site shall be identified.

(XI) Present and known future effluent quality and monitoring requirements determined by the department shall be included. Refer to subparagraph (4)(C)8.N. of this rule.

(XII) Access to receiving stream for the outfall line shall be discussed and displayed.

(XIII) A preliminary assessment of site availability shall be included.

D. Unit sizing. Unit operation and preliminary unit process sizing and basis shall be discussed.

E. Flow diagram. A preliminary flow diagram of treatment facilities including all recycle flows shall be provided.

F. Emergency operation. Emergency operation requirements as outlined in 10 CSR 20-8.130 and 10 CSR 20-8.140 shall be discussed and provided.

G. The no-discharge option must be examined and included as an alternative in the facility plan.

H. Technology not included in these standards. 10 CSR 20-8.140 outlines procedures for introducing and obtaining approval to use technology not included in these standards. Proposals to use technology not included in these standards must address the requirements of 10 CSR 20-8.140.

I. Biosolids. The solids disposal options considered and method selected must be included. This is critical to completion of a successful project. Compliance with requirements of 10 CSR 20-8.170 and any conditions in the owner's National Pollutant Discharge Elimination System (NPDES) permit must be assured.

J. Treatment during construction. A plan for the method and level of treatment to be achieved during construction shall be developed and included in the facility plan that must be submitted to the department for review and approval. This approved treatment plan must be implemented by inclusion in the plans and specifications to be bid for the project. Refer to paragraph (6)(A)5. and subsection (7)(D) of this rule.

K. Operation and maintenance. Portions of the project which involve complex operation or maintenance requirements shall be identified, including laboratory requirements for operation, industrial sampling, and self monitoring.

L. Cost estimates. Cost estimates for capital and operation and maintenance (including basis) must be included for projects receiving funding through the grant and loan programs in 10 CSR 20-4.

M. Environmental review.

(I) Compliance with planning requirements of local government agencies must be documented.

(II) Any additional environmental information meeting the criteria in 10 CSR 20-4.050, for projects receiving funding through the state grant and loan programs.

N. Water quality reports. Include all reviews, studies, or reports required by 10 CSR 20-7, Water Quality, and approved by the department. Any information or sections in an approved study or report required by 10 CSR 20-7 that

addresses the requirements in subsection (4)(C) of this rule can be incorporated into the facility plan in place of these sections;

9. Final project selection. The project selected from the alternatives considered under paragraph (4)(C)10. of this rule shall be set forth in the final facility plan document to be forwarded to the department for review and approval, including the financing considerations and recommendations for implementation of the plan; and

10. It is preferred that any request for a deviation from 10 CSR 20-8 be addressed along with the engineering justifications in the facility plan. Otherwise, all requests for deviations along with the engineering justification from 10 CSR 20-8.120 through 10 CSR 20-8.220 must accompany the plans and specifications.

(D) Appendices. Technical Information and Design Criteria. Due to the complexity of wastewater facilities or funding issues, the following information shall be included upon the request of the department. All system design information can be submitted as, and for all review purposes will be considered, preliminary design data.

1. Process facilities. Criteria selection and basis; hydraulic and organic loadings—minimum, average, maximum, and effect (wastewater and sludge processes); unit dimensions; rates and velocities; detentions concentrations; recycle; chemical additive control; physical control and flow metering; removals; effluent concentrations, etc. (include a separate tabulation for each unit to handle solid and liquid fractions); energy requirement; and flexibility.

2. Process diagrams. Process configuration, interconnecting piping, processing, flexibility; hydraulic profile; organic loading profile; solids profile; solids control system; and flow diagram with capacities, etc.

3. Laboratory. Physical and chemical tests and frequency to control process; time for testing; space and equipment requirements; and personnel requirements—number, type, qualifications, salaries, benefits (tabulate), and a brief description of the laboratory facility. See 10 CSR 20-8.140.

4. Operation and maintenance. Routine special maintenance duties; time requirements; tools, spare parts, equipment, vehicles, safety; maintenance workspace and storage; and personnel requirements—number, type, qualifications, training, salaries, benefits (tabulate).

5. Chemical control. Processes needing chemical addition; chemicals and feed equipment; tabulation of amounts and unit and total costs.

6. Collection systems control. Cleaning and maintenance; regulator and overflow inspection and repair; flow gauging; industrial sampling and surveillance; ordinance enforcement; equipment requirements; trouble-call investigation; and personnel requirements—number, type, qualifications, salaries, benefits, training (tabulate).

7. Control summary. Personnel; equipment; chemicals, utilities, list power requirements of major units; and summation.

(5) Summary of Design. A summary of design shall accompany the plans and specifications and shall include the following:

(A) Flow and waste projections including design and peak hydraulic and organic loadings shall be provided for sewers, pump stations, and wastewater treatment facilities. Information shall be submitted to verify adequate downstream capacity of sewers, pump stations, and wastewater treatment and sludge handling unit(s);

(B) Type and size of individual process units including unit dimensions; rates and velocities; detention times; concentrations; recycle; chemical additive control; physical control, flexibility, and flow metering;

(C) Show process diagrams, including flow diagrams with capacities;

(D) Expected removal rates and concentrations of permitted effluent parameters in the discharge from the wastewater treatment facility, including a separate tabulation for each unit to handle solid and liquid fractions;

(E) Design calculations, tabulations, assumptions, and deviations from 10 CSR 20-8.120 through 10 CSR 20-8.220 used in the design of the system(s);

(F) Include unusual specifications, construction materials, and construction methods; maps, photographs, diagrams; and other support data needed to describe the system; and

(G) Unless required in 10 CSR 20-8.120 through 10 CSR 20-8.220, specific design calculations for the architectural, structural, and mechanical components of a system do not have to be included with the design criteria.]

### (3) Hydraulic and Organic Waste Load.

#### (A) Existing Systems shall—

1. Use actual flow data that accurately represent the average and peak flows to calculate projections for hydraulic capacity;

2. Include contributions from existing upstream combined sewers that will affect interceptor sewers and treatment facilities;

3. Use actual data that accurately represent organic waste load to calculate projections for organic capacity; and

4. Include documented hydraulic and organic waste load contributions of industrial sources in the calculations of projected capacity.

#### (B) New Collection and Wastewater Treatment Systems.

1. Hydraulic capacity for wastewater facilities and new collection systems.

A. Flow estimates for the design average flow and design peak hourly flow, including origin of the flow estimates and any assumptions, shall be identified.

B. Peaking factor. The average design flow value shall be used in conjunction with a peaking factor from the following Equation 110-1, included herein.

Equation 110-1. Ratio of peak hourly flow to design average flow.

$$\text{Peaking Factor} = Q \text{ Peak Hourly} / Q \text{ Design Avg} = (18 + \sqrt{P}) / (4 + \sqrt{P})$$

Where:

Q Peak Hourly = design peak hourly flow

Q Design Avg = design average flow

P = Population in thousands

C. Where the new collection system is to serve existing development, the likelihood of inflow and infiltration (I/I) contributions from existing service lines shall be evaluated.

2. Organic Waste Load. Organic waste load estimates shall be identified for all contributing parameters such as the design average five (5)-day Biochemical Oxygen Demand (BOD<sub>5</sub>).

(C) Drinking Water Use Records. Facilities proposing drinking water usage as the basis for design average flow must provide at least one (1)-year of drinking water use records in the following form:

1. A minimum of twelve (12) continuous months of drinking water use records for facilities that discharge year-round; or

2. A minimum of continuous daily water use records during the entirety of an operating season for facilities having critical operational schedules (e.g., recreational areas, campuses, and industrial facilities).

(D) Re-Rating a Wastewater Treatment Facility. A wastewater treatment facility owner must request department review and approval when proposing to re-rate an existing wastewater treatment facility's current design hydraulic capacity or organic waste loading. An engineering re-rating analysis must demonstrate the

wastewater treatment facility can reliably operate at the proposed re-rated loading rate. The re-rating analysis shall include the following:

1. Hydraulic Capacity. Evaluate the annual average flow, the maximum monthly average flow, the maximum daily flow, and the ratio of the peak flow to annual average flow using the last five (5) years' wastewater treatment facility. Include all calculations and assumptions.

A. Calculate the design average flow using the wastewater treatment facility's average annual flow plus one (1) standard deviation for a wastewater treatment facility that will not be affected by future growth; or

B. Calculate the design average flow using the anticipated changes from the existing flow for a wastewater treatment facility that will be affected by future growth.

2. Organic Waste Load. Evaluate the design organic waste loading based on the average daily organic load.

A. Include the data from the analyses of at least three (3) twenty-four (24)-hour composite samples of the influent wastewater per week, taken during days with representative flow, for a period of at least three (3) months during both wet and dry weather conditions;

B. Include sample data of the following parameters unless monitoring of the parameter is not a requirement of the National Pollutant Discharge Elimination System (NPDES) permit: BOD<sub>5</sub>, Total Suspended Solids (TSS), ammonia, total nitrogen, and total phosphorus;

C. Include the influence of hydraulic capacity evaluation from subparagraph (3)(D)1.A and B. of this rule; and

D. Evaluate the size of each unit process to determine if they are appropriately sized to provide adequate treatment based on the re-rated design organic waste load.

3. Existing unit processes. Evaluate each unit process for its design and peak capacity. Normally one (1) unit process will be most restrictive in terms of design capacity. Include solids processing, handling, and storage in this analysis.

4. Compliance. Evaluate the proposed change of the facility's ability to reliably and consistently comply with the NPDES permit effluent limitations and conditions.

5. Growth. Evaluate the system's anticipated rate of growth.

(4) Engineering Report. Engineering reports shall include the following:

(A) Cover Page. Include a statement identifying the owner and continuing authority (refer to 10 CSR 20-6.010(2)(A)), a contact person for each (including phone number and address), and engineer in accordance with section (2) of this rule;

(B) Problem Defined. Include a description of the existing system and an evaluation of the conditions and problems needing correction;

(C) Hydraulic Capacity and Organic Waste Load. Establish the anticipated design average and design peak flows and organic loads for the existing and ultimate conditions. Include the basis of the projection reflecting the existing or initial service area, and the anticipated future service area. More detail on flow and organic waste load information and data needed for new and existing collection systems are included in section (3) of this rule;

(D) Impact on Existing Wastewater Facilities. Evaluate the impact of the proposed project on downstream existing wastewater systems (including gravity sewers, alternative sewers, pumping stations, force mains, and treatment facilities);

(E) Project Description. Provide a written description of the project;

(F) Location Drawings. Provide drawings identifying the site of the project and anticipated location and alignment of proposed facilities;

(G) Engineering Criteria. Include design criteria for the proposed project;

(H) Site Information. Provide project site information, where

applicable, including topography, soils, geologic conditions, depth to bedrock, groundwater level, distance to water supply structures, roads, residences, and other pertinent site information;

(I) Alternative Selection. Discuss the reasons for selection of the proposed alternative, including any pumping station sites, feasibility, and how the project fits into a long term plan; and

(J) For flood protection follow the provisions listed in 10 CSR 20-8.140(2)(B).

(5) Facility Plan. Facility plans shall include the following, in addition to the information in section (4) of this rule:

(A) Planning and Service Area. Include a description or drawings of the planning area, existing and potential future service areas, the site of the project, and anticipated location of the proposed facilities;

(B) Population Projection and Planning Period. Base the present and predicted population on a twenty (20)-year planning period. Consider phased construction of wastewater facilities in rapid growth areas. Design sewers and other facilities with a design life in excess of twenty (20) years for the extended period;

(C) Wastewater Treatment Facility Design Capacity. The wastewater treatment facility design capacity is the design average flow at the design average BOD<sub>5</sub>. Establish the anticipated design average and design peak flows and waste loads for the existing period in accordance with section (3) of this rule. Include the basis of the projection of initial and future flows and waste loads;

(D) Initial Alternative Development. Discuss the process of selection of wastewater treatment alternatives for detailed evaluation. Include all wastewater management alternatives considered, including no action, and the basis for the engineering judgment for selection of the alternatives chosen for detailed evaluation;

(E) Detailed Alternative Evaluation. Include the following for the alternatives to be evaluated in detail:

1. Collection system revisions. Evaluate the proposed revisions to the existing collection system including adequacy of portions not being changed by the project;

2. Wet weather flows. Provide facilities to transport and treat wet weather flows in a manner that complies with federal, state, and local regulations;

3. Evaluate the no-discharge option and include it as an alternative in the facility plan. Also refer to 10 CSR 20-6.010(4)(A)5;

4. Evaluate the regionalization option and include it as an alternative in the facility plan;

5. Include the information outlined in 10 CSR 20-8.200(2) when the project includes wastewater irrigation or subsurface soil dispersal;

6. Site Evaluation. Consider the following criteria during site evaluation. Take appropriate measures to minimize adverse impacts when a site is critical with respect to the following items:

A. Consider compatibility of the treatment process with the present and planned future land use, including noise, potential odors, air quality, and anticipated solids processing and disposal techniques. Refer to 10 CSR 20-8.140(2)(C) for minimum separation distances;

B. Identify zoning and other land use restrictions;

C. Evaluate the accessibility and topography of the site;

D. Identify areas for future facility expansion;

E. For flood protection, follow the provisions listed in 10 CSR 20-8.140(2)(B);

F. Include geologic information, depth to bedrock, karst features, or other geologic considerations of significance to the project;

G. A geohydrologic evaluation conducted by the department's Missouri Geological Survey is required in the following instances:

(I) All new wastewater treatment facilities to identify stream determinations (gaining or losing);

(II) All new outfalls or relocated outfalls;

(III) All new or modified earthen basin structures. Earthen basin structures shall not be located in areas receiving a severe collapse potential rating. Earthen basin structures located in areas receiving a severe overall geologic limitation rating are reviewed on a case-by-case basis. Earthen basin structures located in areas receiving a moderate collapse potential rating with an appropriate engineering solution are reviewed on a case-by-case basis; and

(IV) All new features (e.g. wastewater irrigation sites, subsurface soil dispersal sites);

H. Protection of groundwater including public and private wells shall be provided. When the proposed wastewater facilities will be near a water source or other drinking water facility, as determined by the Missouri Geological Survey or by the department's Public Drinking Water Branch, include an evaluation addressing the allowable distance between these wastewater facilities and the water source. Refer to 10 CSR 20-8.140(2)(C);

I. Determine the soil type and suitability for construction and depth to normal and seasonal high groundwater;

J. Submit a soil morphology analysis conducted by a qualified soil scientist for all subsurface soil dispersal systems. Refer to section (7) of this rule;

K. Identify the location, depth, and discharge point of any field tile or curtain drain in the immediate area of the proposed site;

L. Include the present and known future effluent quality and monitoring requirements;

M. Provide a discussion of receiving waterbody access for the outfall line; and

N. Include a preliminary assessment of site availability;

7. Engineering criteria. Provide the engineering criteria and assumptions used in the design of the project. Provide the basis for unit operation and preliminary unit process sizing;

8. Location Drawings. Provide drawings identifying the site of the project and anticipated location and alignment of proposed facilities;

9. Flow diagram. Provide a preliminary flow diagram of treatment facility alternatives including all recycle flows;

10. Removal efficiencies. Provide estimated loadings to and removal efficiencies through each unit operation in addition to total removal efficiency and effluent quality (both concentrations and mass);

11. Emergency operation. Provide a discussion of emergency operation measures as outlined in 10 CSR 20-8.140(6)(A);

12. New and innovative technology. See section (6) of this rule. Provide a contingency plan, in the event that such new technology fails to meet the expected performance;

13. Nutrient removal. Provide a discussion of nutrient removal capabilities including the footprint available for expansion or treatment facility modifications necessary for nutrient removal for each alternative;

14. Solids. Include the solids handling and disposal alternatives considered and method selected consistent with the requirements of 10 CSR 20-8.170 and any conditions in the NPDES permit;

15. Treatment during construction. Develop a plan for the method and level of treatment (including solids processing, storage, and disposal) to be achieved during construction and include it in the facility plan. Refer to paragraph (9)(A)5. and subsection (10)(C) of this rule;

16. Cost estimates. Present cost estimates for capital construction cost, annual operation and maintenance cost (including basis), and a twenty (20)-year present worth cost for each alternative;

17. Environmental review. Include any additional environmental information meeting the criteria in 10 CSR 20-4.050, for projects receiving funding through the state grant and loan programs; and

18. Water quality reports. Submit all reviews, studies, or

reports in accordance with 10 CSR 20-7, Water Quality; and

(F) Final Project Selection. Present the selected project from the alternatives considered under paragraph (5)(E) of this rule, including the financing considerations and recommendations for implementation of the plan. Provide a project implementation schedule identifying project milestones.

**(6) New and Innovative Technology.**

(A) Evaluation of Technology Performance. To determine if new technologies of wastewater treatment processes and equipment or applications have a reasonable and substantial chance of success, the facility plan prepared for department approval shall include the following:

1. Monitoring observations, including test results and engineering evaluations demonstrating the efficiency of processes or equipment;

2. Detailed description of the sampling protocol and test methods that are sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants;

3. Testing, including appropriately-composited samples, under various ranges of strength and flow rates (including diurnal variations) and waste temperatures over a sufficient length of time to demonstrate expected performance under the range of climatic and other conditions that may be encountered in the area of the proposed installations. A control group may be necessary to demonstrate effectiveness;

4. Description of manufacturer's warranty and performance warranty including all exclusions or limitations on the warranty, when available;

5. Complete design requirements, calculations, and all assumptions clearly documented and explained;

6. Documentation of how the new process or equipment functions;

7. A discussion of actual, full-scale operating experience or pilot test work. For full-scale operating experience, include the length of time that each installation has been in operation. For pilot test work, include a copy of the associated pilot test plan and final pilot test results report;

8. Discussion of known or anticipated start-up issues and operational issues that have occurred or may occur during the first year of operation;

9. A description of specific operator knowledge and skills needed to operate the proposed technology including an estimate of increased operator attention needed during start-up and the first year of operation; and

10. Other appropriate information.

(B) Pilot Test or Demonstration Plan. Proposals for pilot tests and demonstration projects shall include the following in addition to the facility plan information in section (5) of this rule:

1. Goals, objectives, and benefits with an explanation as to why a pilot study or demonstration project is necessary to obtain additional engineering data;

2. Literature identifying key design parameters and related experience;

3. A description of the proposal with schematic diagrams, pictures, drawings, or any other important information;

4. Complete design requirements, calculations, and all assumptions clearly documented and explained;

5. Identification of associated environmental impacts, both direct and indirect;

6. Detailed description of the sampling protocol and test methods that are sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants;

7. Complete schedule for testing and evaluation including start, completion, and submittal of the pilot test or demonstration results report; and

8. Other appropriate information.

(C) Evaluation of Collected Data. All raw testing data and the evaluation of the data and performance must be submitted for department review upon conclusion of the project demonstration. The evaluation shall identify and justify the removal of any excursions not representative of the new technology process or equipment from the data evaluation.

**(7) Soils Report.**

(A) Soils. Soil reports are required for all projects involving subsurface wastewater treatment and disposal. All soils investigations and resulting reports must be performed, signed, and dated by a qualified soil scientist as defined in section 701.040, RSMo. Soil observation pits (i.e., backhoe or hand dug) excavated to a depth to reveal the major soil horizons shall be utilized.

(B) Soils Report. The soils report resulting from the investigation shall include the following information:

1. A copy of each soil profile description;

2. A description of all drainage features, rock outcrops, erosion, and other natural features that may influence the soil treatment area;

3. An evaluation of any identified limiting conditions or geologic risk factors affecting the soil's ability to treat and disperse effluent such as karst features, dense tills, clay pans, and fragipans;

4. Clear and legible scaled site plans, drawings, or maps identifying all applicable site features that could impact the soil treatment area(s). Previously prepared or otherwise available drawings or maps such as a survey prepared by a Missouri registered professional surveyor; an aerial photograph; a United States Geological Survey topographic map with the proposed soil treatment area clearly delineated; a United States Department of Agriculture Natural Resources Conservation Services county soil survey map with the proposed soil treatment area clearly delineated; or a digital orthophotograph prepared from a geographical information system may be used. Include the following on the drawings or maps:

A. The location of all soil observation pits with the extent of different soils clearly delineated;

B. Any existing or proposed dwellings and structures;

C. Any site disturbances such as excavated or fill areas, existing roadways, and other hardscapes and proposed hardscapes or related site disturbances;

D. Location of all public and private wells, abandoned wells, or geothermal systems, and surface water features that could either influence or be impacted by the proposed soil treatment area. For minimum separation distances, follow the provisions listed in 10 CSR 20-8.140(2)(C);

E. North orientation arrow;

F. Identification of areas with conditions that would prohibit, limit, or adversely impact the siting of a soil treatment area including, but not limited to: sinkholes, wetland vegetation, bedrock outcrops, areas with a slope greater than fifteen percent (15%), and existing or abandoned field or drainage tiles;

G. Identification of known existing, proposed, and observed easements and right-of-ways; and

5. A discussion of the findings and conclusions including the following:

A. Available area for the soil treatment area;

B. Depth to limiting layers (e.g., water table, fragipan, bedrock) and the source of this information;

C. Proposed application (loading) rates that take into consideration the drainage and permeability of the soils and the distance to the limiting layer.

D. The source of the application rates for each soil horizon within the specific soil description;

D. Frequency of flooding and ponding and the source of this information;

E. Relevant characteristics (e.g., bedrock outcrops, sink-holes or karst features) on the proposed site or in the surrounding area that may indicate vulnerability for surface water and groundwater contamination and the source of this information; and

F. Factors affecting the soils ability to treat and hydrologically control effluent and the source of this information.

(C) Imported Soils. When a facility is importing soils for the subsurface soil dispersal systems, the following shall be specified:

1. Physical characteristics that are uniform in texture, structure, and pore space;

2. Transportation methods that ensures uniformity and consistency of the physical characteristics as close as possible to the original state upon delivery;

2. A sandy to loamy material, with less than ten percent (10%) clay and less than fifteen percent (15%) organic debris present;

3. Methods for removal of the organic layer;

4. No compaction of imported soil;

5. Placement in small "lift" increments of four to six inches (4"-6") instead of one (1) thick layer; and

6. Native soil is to be used for the vertical separation for the subsurface soil dispersal systems with the fill for the cap being imported soils.

(8) Summary of Design. A summary of design shall accompany the plans and specifications and include the following:

(A) Flow and waste projections including design and peak hydraulic and organic loadings for sewers, pump stations, and wastewater treatment facilities;

(B) Information to verify adequate downstream capacity of sewers, pump stations, and wastewater treatment and solids handling unit(s);

(C) Type and size of individual process units including the following: unit dimensions; rates and velocities; detention times; concentrations; recycle; chemical additive control; physical control, flexibility, and flow metering;

(D) Process diagrams, including flow diagrams with hydraulic capacity and organic waste load;

(E) Expected removal rates and concentrations of permitted effluent parameters in the discharge from the wastewater treatment facility, including a separate tabulation for each unit to handle solid and liquid fractions;

(F) Design calculations, tabulations, and assumptions clearly documented and explained from 10 CSR 20-8.120 through 10 CSR 20-8.210 used in the design of each unit process and the system(s) as a whole;

(G) The appropriate pump curve with the system curve superimposed, as applicable;

(H) Unusual specifications, construction materials, and construction methods; maps, photographs, diagrams; and other support data needed to describe the system;

(I) Architectural, structural, and mechanical component design calculations as specified in 10 CSR 20-8.120 through 10 CSR 20-8.210; and

(J) Anticipated effluent quality achieved.

[(6)](9) Plans.

(A) General. All plans must contain the following, at a minimum:

1. One (1) set of drawings shall be submitted to the department for review. In addition to the set of drawings, an electronic version of the plans can be submitted to assist in the review. Additional sets of drawings may be required by the department for final approval.

2. All plans for wastewater facilities shall bear a suitable title showing the name of the municipality, sewer district, or institution; and shall show the scale in feet, a graphical

scale, the north point, date, and the name of the engineer, certificate number, and imprint of his/her registration seal with the engineer's signature. ]

1. Plan components. Include the following components on all plan sheets:

A. A suitable title block showing the name of the project, owner, and continuing authority (refer to 10 CSR 20-6.010(2) and 20 CSR 2030-2.050);

B. Scale ratios for mechanical drawings;

C. Bar scales for aerial maps;

D. A north arrow;

E. Datum used; and

F. Sheet numbers.

[(3.)]2. Plan format. *[The plans shall be clear and legible (suitable for microfilming or scanning). They shall be drawn to scale, which will permit all necessary information to be plainly shown for review and suitable for the contracting and construction of the facilities.]* Provide clear and legible plans drawn to a scale that allows necessary information to be seen plainly. Blueprints and hand drafted plans are not acceptable.

*[A. To allow for microfilming or scanning, plans must not be smaller than twenty-four inches by thirty-six inches (24" × 36") (61 cm × 91 cm) or larger than thirty-six inches by forty-eight inches (36" × 48") (91.4 cm × 122 cm). Datum used shall be indicated. Locations and logs of test borings, when required, shall be shown on the plans. Test boring logs must be included on the plans or in the specifications as an appendix. Blueprints shall not be submitted.]*

[(4.)]3. Plan contents. Provide *[D]* detailed plans *[shall consist of—]* consisting of the following:

A. *[p]* Plan views, elevations, sections, and supplementary views, which together with the specifications and general layouts, provide the working information for the contract and construction of the facilities*[/]*;

B. *[They shall also include d]* Dimensions and relative elevations of structures, the location and outline form of equipment, location and size of piping, water levels, and ground elevations*[/]*;

C. All known existing structures and utilities, both above and below ground, that might interfere with the proposed construction or require isolation setback, particularly water mains and water supply structures (e.g., wells, clear wells, basins), gas mains, storm drains, and telephone, cable, and power conduits. Show the location of all existing and proposed water supply structures located within five hundred feet (500') of the proposed or existing wastewater treatment facility; and

D. Locations and logs of test borings, where applicable. Include test boring logs on the plans or in the specifications as an appendix.

4. Hydraulic profile for all wastewater treatment facilities; and

5. Plan for *[O]* operation during construction. *[Project construction documents shall s]* Specify the procedure for operation during construction that complies with the plan *[required by subparagraph (4)]*(C)8.J.] outlined in paragraph (5)(E)15. and subsection [(7)](D)] (10)(C) of this rule.

(B) Plans of Sewers.

1. General plans. *[A plan of existing and proposed sewers shall be submitted for projects involving new sewer systems and substantial additions to existing systems. This]* These plans shall show the following:

A. Geographical features.

(I) Topography and elevations. Clearly show *[E]* existing or proposed streets and all streams or water surfaces *[shall be clearly shown]*. Include *[C]* contour lines at suitable intervals *[should be included.]*;

(II) Streams. Depict *[T]* the direction of flow in all streams and high and low water elevations of all water surfaces *[and overflows shall be shown.]*;



(III) Boundaries. **Depict** *[T]*the boundary lines of the *[municipality or the sewer district]* **continuing authority** and the area to be sewered *[shall be shown]*; and

B. Sewers. *[The plan shall s]*Show the location, size, and direction of flow of *[all]* **relevant** existing and proposed sanitary and combined sewers draining to the treatment facility concerned.

2. Detail plans. Detail plans shall be submitted*[.]* **showing the following**:

A. Profiles *[shall]* hav*[e]*ing a horizontal scale of not more than one hundred feet (100') to the inch *[(12 m to the cm)]* and a vertical scale of not more than ten feet (10') to the inch *[(1.2 m to the cm).]*;

B. Plan views *[should be]* drawn to a corresponding horizontal scale and *[must be]* shown on the same sheet*[.]* **Plans and profiles shall show—**;

*[A.]*C. Location of streets and sewers;

*[B.]*D. Line of ground surface*[.]*; pipe size, **material, and type**; length between manholes*[.]*; invert and surface elevation at each manhole*[.]*; grade of sewer between each two (2) adjacent manholes*[.]* **pipe material and type**; and *[where]* **any** special construction features *[are required]*. **Number** *[A]*all manholes *[shall be numbered]* on the plan and correspondingly number*[ed]* them on the profile;

*[C.]*E. *[Where there is any question of the sewer being sufficiently deep to serve any residence, the elevation and location of the basement floor shall be plotted on the profile of the sewer which is to serve the house in question. The engineer shall state that all sewers are sufficiently deep to serve adjacent basements except where otherwise noted on the plans]* **Elevation and location of the basement floor on the profile of the sewer where there is any question of the sewer being sufficiently deep to serve any residence**;

*[D.]*F. Locations of all special features such as inverted siphons, concrete encasements, elevated sewers, etc.; **and**

*[E. All known existing structures and utilities, both above and below ground, which might interfere with the proposed construction or require isolation setback, particularly water mains and water supply structures (i.e., wells, clear wells, basins, etc.), gas mains, storm drains, and telephone, cable, and power conduits; and]*

*[F.]*G. *[Special d]*Detail drawings*[, made to a scale to clearly show the nature of the design, shall be furnished]* to show the following:

(I) All stream crossings with elevations of the stream bed and **ordinary high water mark**, normal, and low water levels; *[and]*

(II) Details of all special sewer joints and cross-sections; **and**

(III) *[d]*Details of all sewer appurtenances such as manholes, *[lampholes,]* inspection chambers, inverted siphons, regulators, tide gates, and elevated sewers.

(C) Plans of Wastewater Pumping Stations.

1. Location plans. *[A plan shall be submitted for projects involving construction or revision of pumping stations. This plan shall]* **These plans must** show the following:

A. *[t]*The location and extent of the tributary area;

B. *[a]*Any *[municipal]* **continuing authority** boundaries with the tributary area;

C. *[t]*The location of the pumping station and force main; **and**

D. *[p]*Pertinent elevations.

2. Detail plans. Detail plans shall *[be submitted]* show*[ing]* the following, where applicable:

A. Topography of the site;

B. Existing pumping station;

C. Proposed pumping station, including provisions for installation of future pumps;

D. *[Elevation of high water at the site and m]*Maximum elevation of wastewater in the collection system upon occasion of power failure;

E. Maximum hydraulic gradient in downstream gravity sewers when all installed pumps are in operation; *[and]*

F. Test boring and groundwater elevations*[.]*;

G. **All pumping station appurtenances such as pumps, valves, level control switches, hatches, safety equipment, ventilation equipment, and hoisting equipment; and**

H. **Flood protection map. For flood protection, follow the provisions listed in 10 CSR 20-8.140(2)(B).**

(D) Plans of Wastewater Treatment *[Plants]* Facilities.

1. Location plans. **Location plans shall include the following**:

A. *[A plan shall be submitted showing t]*The wastewater treatment *[plant]* **facility** in relation to the remainder of the system*[.]*; **and**

B. Sufficient topographic features *[shall be included]* to indicate its location with relation to streams and the point of discharge of treated effluent.

2. General layout. Layouts of the proposed wastewater treatment *[plant]* **facility** shall *[be submitted]* show*[ing]*—

A. Topography of the site;

B. Size and location of *[plant]* **treatment facility** structures;

C. Schematic flow diagram(s) showing the flow through various *[plant]* units and showing utility systems serving the *[plant]* **facility** processes;

D. Piping, including any arrangement for *[bypassing individual units;]* **unit isolation (identify materials handled and direction of flow through pipes [shall be shown], including arrangements for independent operation)**;

E. Hydraulic profiles showing the flow of wastewater, supernatant liquor, **recycle streams**, and *[sludge]* **solids**; **and**

F. Test borings and groundwater elevations *[shall be provided]*.

3. Detail plans. Detail plans shall show the following, *[unless otherwise covered by the specifications or facility plan]* **where applicable**:

A. Location, dimensions, and elevations of all existing and proposed *[plant]* **treatment facilities and solids handling facilities**;

B. Elevations of high and low water level of the body of water to which the *[plant]* **facility** effluent is to be discharged;

C. Type, size, pertinent features, and operating capacity of all pumps, blowers, motors, and other mechanical devices;

D. Minimum, design average, and peak hourly hydraulic flow in **hydraulic profile with wastewater, supernatant liquor, and solids flow through the treatment facility**; *[and]*

E. **Existing and proposed solids storage volumes in plan and profile**;

*[E.]*F. Adequate description of any *[other]* features *[pertinent to the design.]* **not otherwise covered by the specifications or facility plan**; **and**

G. **Flood protection map. For flood protection, follow the provisions listed in 10 CSR 20-8.140(2)(B).**

*[(7)]*(10) Specifications.

(A) *[Complete signed, sealed, and dated technical specifications shall be submitted for the construction of sewers, wastewater pumping stations, wastewater treatment plants, and all other appurtenances. Technical specifications shall accompany the plans.]* Specifications shall accompany the plans. The initial page shall bear the owner and continuing authority name, and a contact person for each (including phone number and address).

(B) The technical specifications accompanying construction drawings shall include **the following**, but not be limited to all construction information not shown on the drawings which is necessary to inform the builder, in detail, of the design requirements for the quality of materials, workmanship, and fabrication of the project*[.]*:

*[(C)]* *The specifications shall also include:*

1. *[t]*The type, size, strength, operating characteristics, and rating of equipment;

2. *[a]*Allowable infiltration;

3. */t/*The complete requirements for all mechanical and electrical equipment~~/,~~ (including machinery, valves, piping, and jointing of pipe);
4. */e/*Electrical apparatus, wiring, instrumentation, and meters;
5. */l/*Laboratory fixtures and equipment;
6. */o/*Operating tools;
7. */c/*Construction materials;
8. */s/*Special filter materials (such as stone, sand, gravel, or slag);
9. */m/*Miscellaneous appurtenances;
10. */c/*Chemicals when used;
11. */i/*Instructions for testing materials and equipment as necessary to meet design standards; and
12. */p/*Performance tests for the completed facilities and component units. It is suggested that these performance tests be conducted at design load conditions wherever practical.

*[(D)](C)* Operation During Construction. Specifications shall contain a program for keeping existing wastewater treatment *[plant/ facility]* units in operation during construction *[of plant additions]*. Should it be necessary to take *[plant/]* units out of operation, specifications shall include detailed construction requirements and schedules to *[avoid unacceptable temporary water quality degradation in accordance with subparagraph (4)(C)8.J and [(5)(A)5.] maintain compliance with effluent limitations and the facility's NPDES permit. See paragraphs (5)(E)15. and (9)(A)5. of this rule.*

*[(8)](11)* Revisions to Approved Plans or Specifications.

(A) **General.** Any *[deviations from]* revisions of approved plans or specifications affecting capacity, flow, system layout, operation of units, or point of discharge shall be approved by the department in writing, before such changes are made. *[Plans or specifications so revised should, therefore, be submitted well in advance of any construction work which will be affected by such changes, to permit sufficient time for review and approval. Structural revisions or other minor changes not affecting capacities, flows, or operation will be permitted during construction without approval.]*

(B) **Addendum.** Addenda must conform to all requirements in this rule.

(C) **Change Order.** The owner, continuing authority, and contractor must sign and date change orders.

(D) **As-Built Plans.** As-built plans clearly showing the alterations *[shall]* must be submitted *[to the]* upon department request at the completion of the work.

**AUTHORITY:** section 644.026, RSMo. [2000] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed Sept. 14, 2010, effective June 30, 2011. Amended: Filed June 15, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through e-mail to [john.rustige@dnr.mo.gov](mailto:john.rustige@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.120 [Design of] Gravity Sewers.** The Clean Water Commission is amending the title and purpose, sections (1) through (5), and deleting sections (6) through (10).

**PURPOSE:** *This amendment will retain and add minimum design standards for gravity sewer that are required to protect or improve public health, safety, and water quality.*

**PURPOSE:** *[The following criteria have been prepared as a guide for the design of sewers. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission in regard to adequacy of design, submission of plans, approval of plans, and approval of completed wastewater treatment facilities and collection systems. It is not reasonable or practical to include all aspects of design in these standards. The design engineer should obtain appropriate reference materials which include but are not limited to: copies of all ASTM International standards pertaining to sewers and appurtenances, design manuals such as Water Environment Federation's Manuals of Practice, and other sewer design manuals containing principles of accepted engineering practice. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from the 2004 edition of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers' Recommended Standards for Wastewater Facilities and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear.] This rule specifies the minimum standards for the design of gravity sewers that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

*[(1) Definitions. Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms "shall" and "must" are used, they are to mean a mandatory requirement insofar as approval by the Missouri Department of Natural Resources (department) is concerned, unless justification is presented for deviation from the requirements. Other terms, such as "should," "recommend," "preferred," and the like, indicate the preference of the department for consideration by the design engineer.*

*(A) Deviations. Deviations from these rules may be approved by the department when engineering justification*

satisfactory to the department is provided. Justification must substantially demonstrate in writing and through calculations that a variation(s) from the design rules will result in either at least equivalent or improved effectiveness. Deviations are subject to case-by-case review with individual project consideration.

(2) *Applicability.* This rule shall apply to all facilities with a design flow of one hundred thousand (100,000) gallons (378.5 m<sup>3</sup>) per day or greater. This rule shall also apply to all facilities with a design flow of twenty-two thousand five hundred (22,500) gallons (85.2 m<sup>3</sup>) per day or greater until such time as 10 CSR 20-8.020 is amended.

(3) *Approval of Sewers.* The department will approve plans for new systems, extensions to new areas, or replacement sanitary sewers only when designed upon the separate basis, in which rain water from roofs, streets, and other areas and groundwater from foundation drains are excluded.

(4) *Design Capacity and Design Flow.*

(A) Sewer capacities shall be designed for the estimated ultimate tributary population, except in considering parts of the systems that can be readily increased in capacity. Similarly, consideration must be given to the maximum anticipated capacity of institutions, industrial parks, etc. An economic analysis of alternatives must be included in the engineering report or facility plan where future relief sewers are planned.

1. The following factors must be considered in determining the required capacities of sanitary sewers:

A. Design peak hourly flow;

B. Additional maximum wastewater or waste flow from industrial plants;

C. Inflow and infiltration (I/I);

D. Topography of area;

E. Location of wastewater treatment facilities;

F. Depth of excavation; and

G. Pumping requirements.

2. The basis of design for all sewer projects shall be included in the engineering report or facility plan. More detailed computations may be required by the department for critical projects.

(B) Sewer flows shall be based on the design peak hourly flow in accordance with 10 CSR 20-8.110(4)(C)4. and must be designed to prevent or eliminate sanitary sewer overflows (SSOs).]

(1) *Applicability.* Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

(2) *Sanitary Sewers.* Rain water from roofs, streets, and other areas and groundwater from foundation drains shall be excluded from all new sewers.

[(5)](3) *Details of Design and Construction.*

[(A)] *Minimum Size.* Gravity sewers conveying raw wastewater shall be no less than eight inches (8") (20 cm) in diameter, except in circumstances where smaller diameter pipe can be justified.

(B) *Depth.* All sewers shall be sufficiently deep so as to receive wastewater from basements and shall be covered with at least thirty-six inches (36") (91 cm) of soil, other insulation, or material to prevent freezing and to protect them from superimposed loads.

(C) *Buoyancy.* Buoyancy of sewers shall be considered and flotation of the pipe shall be prevented with appropriate construction where high groundwater conditions are anticipated.

(D) *Slope.*

1. All sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than two feet (2') per second (0.6 m/s). The following are the minimum slopes which should be provided for sewers forty-two inches (42") (107 cm) or less; however, slopes greater than these may be desirable for construction, to control sewer gases, or to maintain self-cleansing velocities at all rates of flow within the design limits:

Nominal Sewer Size	Minimum Slope in Feet Per 100 Feet (m/100 m)
8 inch (20 cm)	0.40
10 inch (25 cm)	0.28
12 inch (30 cm)	0.22
14 inch (36 cm)	0.17
15 inch (38 cm)	0.15
16 inch (41 cm)	0.14
18 inch (46 cm)	0.12
21 inch (53 cm)	0.10
24 inch (61 cm)	0.08
27 inch (69 cm)	0.067
30 inch (76 cm)	0.058
33 inch (84 cm)	0.052
36 inch (91 cm)	0.046
39 inch (99 cm)	0.041
42 inch (107 cm)	0.037

A. Sewer sizes not included in the above table should be designed and constructed to give mean velocities, when flowing full, of not less than three feet (3') per second (0.9 m/s), based on Manning's formula using an "n" value of 0.013.

2. *Minimum flow depths.* Slopes which are slightly less than the recommended minimum slopes may be permitted. Such decreased slopes may be considered where the depth of flow will be one-third (1/3) of the diameter or greater for design average flow. Whenever decreased slopes are selected, the design engineer must furnish with his/her engineering report or facility plan computations of the anticipated flow velocities of average daily and peak hourly flow rates. The operating authority of the sewer system will give written assurance to the department that any additional sewer maintenance required by reduced slopes will be provided.

3. *Minimize solids deposition.* The pipe diameter and slope shall be selected to obtain the greatest practical velocities to minimize settling problems. Oversize sewers will not be approved to justify using flatter slopes. If the proposed slope is less than the minimum slope of the smallest pipe, which can accommodate the design peak hourly flow, the actual depths and velocities at minimum, average, and design maximum day and peak hourly flow for each design section of the sewer shall be calculated by the design engineer and

be included with the plans.

4. Slope between manholes. Sewers shall be laid with uniform slope between manholes.

5. High velocity protection. Where velocities greater than fifteen feet (15') per second (4.6 m/s) are attained, special provision shall be made to protect against displacement by erosion and impact.

6. Steep slope protection. Sewers on twenty percent (20%) slope or greater shall be anchored securely with concrete anchors or equal, spaced as follows:

A. Not over thirty-six feet (36') (11 m) center-to-center on grades twenty percent (20%) and up to thirty-five percent (35%);

B. Not over twenty-four feet (24') (7.3 m) center-to-center on grades thirty-five percent (35%) and up to fifty percent (50%); and

C. Not over sixteen feet (16') (4.9 m) center-to-center on grades fifty percent (50%) and over.

(E) Alignment.

1. Sewers twenty-four inches (24") (61 cm) or less shall be laid with straight alignment between manholes. Straight alignment shall be checked by either using a laser beam or lamping.

2. Curvilinear alignment of sewers larger than twenty-four inches (24") (61 cm) may be considered on a case-by-case basis provided compression joints are specified and ASTM or specific pipe manufacturers' maximum allowable pipe joint deflection limits are not exceeded. Curvilinear sewers shall be limited to simple curves which start and end at manholes. When curvilinear sewers are proposed, the recommended minimum slopes indicated in paragraph (5)(D)1. of this rule must be increased accordingly to provide a minimum velocity of two feet (2') per second (0.6 m/s) when flowing full.

(F) Changes in Pipe Size.

1. When a smaller sewer joins a larger one, a manhole is required according to subparagraph (6)(A)1.B. of this rule. The invert of the larger sewer should be lowered sufficiently to maintain the same energy gradient. An approximate method for securing these results is to place the 0.8 depth point of both sewers at the same elevation.

2. Sewer extensions should be designed for projected flows. When the diameter of the receiving sewer is less than the diameter of the proposed extension at a manhole, the manhole shall be constructed with special consideration of an appropriate flow channel to minimize turbulence. The department may require a schedule for construction of future downstream sewer relief.

(G) Materials. Any generally accepted material for sewers will be given consideration, but the material selected should be adapted to local conditions, such as character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, abrasion, corrosion, and similar problems.

1. All sewer pipe and joint materials shall conform to the appropriate ASTM specifications.

2. Suitable couplings complying with ASTM specifications shall be used for joining dissimilar materials. The leakage limitations on these joints shall be in accordance with paragraph (5)(I)4. or (5)(I)5. of this rule.

3. All sewers shall be designed to prevent damage from superimposed live, dead, and frost-induced loads. Proper allowance for loads on the sewer shall be made because of soil and potential groundwater conditions, as well as the width and depth of the trench. Where necessary, special bedding, haunching, initial backfill, concrete cradle, or other special construction shall be used to withstand anticipated potential superimposed loading or loss of trench wall stability. See ASTM D2321 or ASTM C12 when appropriate.

ity. See ASTM D2321 or ASTM C12 when appropriate.

4. For new pipe or joint materials for which ASTM standards have not been established, the design engineer shall provide complete material and installation specifications developed on the basis of criteria adequately documented and certified in writing by the pipe manufacturer to be satisfactory for the specific detailed plans for approval by the department.]

[(H)](A) Installation. The applicant must comply with the appropriate manufacturer's recommendations and installation procedures.

[1. Standards. Installation specifications shall contain appropriate requirements based on the criteria, standards, and requirements established by industry in its technical publications. Requirements shall be set forth in the specifications for the pipe and methods of bedding and backfilling thereof so as not to damage the pipe or its joints, impede cleaning operations, and future tapping, nor create excessive side fill pressures and ovalation of the pipe, nor seriously impair flow capacity.

2. Trenching.

A. The width of the trench shall be ample to allow the pipe to be laid and jointed properly and to allow the bedding and haunching to be placed and compacted to adequately support the pipe. The trench sides shall be kept as nearly vertical as possible. When wider trenches are specified, appropriate bedding class and pipe strength shall be used.

B. In unsupported and unstable soil, the size and stiffness of the pipe, stiffness of the embedment, insitu soil, and depth of cover shall be considered in determining the minimum trench width necessary to adequately support the pipe.

C. Ledge rock, boulders, and large stones shall be removed to provide a minimum clearance of four inches (4") (10 cm) below and on each side of all pipe(s).

D. Dewatering. All water entering the excavations or other parts of the work shall be removed until all the work has been completed. No sanitary sewer that ultimately arrives at existing pumping stations or wastewater treatment facilities shall be used for the disposal of trench water.

3. Bedding, haunching, and initial backfill.

A. Rigid pipe. Bedding Classes A, B, C, or crushed stone, as described in ASTM C12, shall be used and carefully compacted for all rigid pipe provided the proper strength pipe is used with the specified bedding to support the anticipated load, based on the type of soil encountered and potential groundwater conditions.

B. Ductile iron pipe. Embedment materials for bedding and initial backfill, as described in ASTM A746, for Type 1 through Type 5 laying conditions, shall be used for ductile iron pipe provided the proper strength pipe is used with the specified bedding to support the anticipated load based on the type of soil encountered and potential groundwater conditions.

C. Plastic pipe. Embedment materials for bedding, haunching, and initial backfill, Classes I, II, or III, as described in ASTM D2321, shall be used and carefully compacted for all flexible pipe provided the proper strength pipe is used with the specified bedding to support the anticipated load, based on the type of soil encountered and potential groundwater conditions.

D. Composite pipe. Except as described in ASTM D2680, the bedding, haunching, and initial backfill requirements for composite pipe shall be the same as for plastic pipe.

4. Final backfill.

A. Final backfill shall be of a suitable material removed from excavation except where other material is specified. Debris, frozen material, large clods, stones, organic matter,

or other unstable materials shall not be used for final backfill within two feet (2') (0.6 m) of the top of the pipe.

B. Final backfill shall be placed in such a manner so as not to disturb the alignment of the pipe.]

[5.](B) Deflection test. No pipe shall exceed a deflection of five percent (5%) of the inside diameter.

[A. Deflection tests shall be performed on all flexible pipe. The test shall be conducted after the final backfill has been in place at least thirty (30) days to permit stabilization of the soil-pipe system.

B. No pipe shall extend a deflection of five percent (5%). If the deflection exceeds five percent (5%), the pipe shall be excavated. Replacement or correction shall be accomplished in accordance with requirements in the department-approved specifications.

C. The rigid ball or mandrel used for the deflection test shall have a diameter not less than ninety-five percent (95%) of the base inside diameter or average inside diameter of the pipe depending on which is specified in the ASTM specification, including the appendix, to which the pipe is manufactured. The test shall be performed without mechanical pulling devices. A mandrel must have nine (9) or more odd number of flutes or points.]

[6. Video inspection. Video inspection of all new and rehabilitated sewers after installation is recommended.]

[(11)](C) Joints and Infiltration.

[1. Joints. The installation of joints and the materials used shall be included in the specifications. Sewer joints shall be designed to minimize infiltration and to prevent the entrance of roots throughout the life of the system.]

[2.].1. Service connections. Service connections to the sewer main shall be watertight and cannot protrude into the sewer. [If a saddle-type connection is used, it shall be a device designed to join with the types of pipe which are to be connected. All materials used to make service connections shall be compatible with each other and with the pipe materials to be joined and shall be corrosion proof.]

[3.].2. Leakage tests. Leakage tests shall be specified for gravity sewers except polyvinyl chloride (PVC) pipe with a diameter of twenty-seven inches (27") or less. [This may include appropriate water or low pressure air testing. The testing selected should take into consideration the range in groundwater elevations during the test and anticipated during the design life of the sewer.]

[4.].A. Water (hydrostatic) test. The leakage exfiltration or infiltration shall not exceed one hundred (100) gallons per inch of pipe diameter per mile per day [(0.38 m<sup>3</sup>/cm of pipe diameter/km/day)] for any section between manholes of the system. An exfiltration or infiltration test shall be performed with a minimum positive head of two feet (2') [(0.6 m)]. The exfiltration or infiltration test shall conform to the test procedure described in ASTM C969 – 17 *Standard Practice for Infiltration and Exfiltration Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines*, as approved and published April 1, 2017, for precast concrete pipe. This standard is hereby incorporated by reference into this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

[5.].B. Air test. The air test shall, [as a minimum] conform to the test procedure described in [ASTM C828 for clay pipe, ASTM C924 for concrete pipe twenty-four inches (24") or less in diameter,] ASTM C1103 – 14 *Standard Practice for Joint Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines*, as approved and published November 1, 2014, for concrete pipe twenty-seven inches (27") or greater in diameter, and ASTM F1417 – 11a(2015) *Standard Practice for Installation Acceptance of Plastic Non-pressure Sewer Lines Using Low-Pressure Air*, as

approved and published August 1, 2015, for plastic, composite, and ductile iron pipe. [All other materials shall have test procedures approved by the department.] These standards are hereby incorporated into this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

[(J) Alternative Installation Methods (Trenchless Technologies). Trenchless technologies shall be evaluated by the department on a case-by-case basis.]

(D) Bore or Tunnel. Where casing pipe is utilized it shall be constructed of steel with welded joints conforming to AWWA C200-17 *Steel Water Pipe, 6 In. (150 mm) and Larger*, as approved and published August 1, 2017, or ductile iron pipe with mechanical joints. This standard is hereby incorporated by reference into this rule, as published by American Water Works Association (AWWA), 6666 West Quincy Avenue, Denver, CO 80235-3098. This rule does not incorporate any subsequent amendments or additions;

[(6)](4) Manholes.

(A) Location.

[1.] Manholes shall be installed—

[A.].1. At the end of each line;

[B.].2. At all changes in grade, size, or alignment; and

[C.].3. At all sewer pipe intersections;].

[D. At distances not greater than four hundred feet (400') (120 m) for sewers fifteen inches (15") (38 cm) or less; and

E. At distances not greater than five hundred feet (500') (150 m) for sewers sixteen inches to thirty inches (16"–30") (46 cm–76 cm).

2. Spacing of manholes greater than five hundred feet (500') (150 m) may be approved by the department in cases where adequate cleaning equipment can justify such spacing.

3. Greater spacing may be permitted in larger sewers.

4. Cleanouts may be used only for special conditions and shall not be substituted for manholes nor installed at the end of laterals greater than one hundred fifty feet (150') (46 m) in length.]

(B) Drop Type. When using precast manholes, drop connections must not enter the manhole at a joint.

[1. A drop pipe shall be provided for a sewer entering a manhole at an elevation of twenty-four inches (24") (61 cm) or more above the manhole invert. Where the difference in elevation between the incoming sewer and the manhole invert is less than twenty-four inches (24") (61 cm), the invert shall be filleted to prevent solids deposition.

2. Drop manholes should be constructed with outside drop connection. Inside drop connections can be used when the manhole diameter is sufficient to secure the drop pipe to the interior wall of the manhole and provide adequate access for cleaning.

3. When using precast manholes, drop connections must not enter the manhole at a joint.

4. Due to the unequal earth pressures that would result from the backfilling operation in the vicinity of the manhole, the entire outside drop connection shall be encased in concrete.]

(C) Diameter. [The minimum diameter of manholes shall be forty-two inches (42") (107 cm) on eight-inch (8") (20 cm) diameter gravity sewer lines and forty-eight inches (48") (122 cm) on all sewer lines larger than eight inches (8") (20 cm) in diameter. Larger diameter manholes are necessary for large diameter sewers in order to maintain structural integrity. A minimum access diameter of twenty-two inches (22") (56 cm) shall be provided.] Cleanouts shall be a minimum of

eight inches (8") for pipes eight inches (8") in diameter or larger and equal to the diameter for pipes less than eight inches (8").

*[(D) Flow Channel.*

1. The flow channel straight through a manhole should be made to conform as closely as possible in shape and slope to that of the connecting sewers, without obstructing maintenance, inspection, or flow in the sewers.

2. When curved flow channels are specified in manholes, including branch inlets, minimum slopes indicated in paragraph (5)(D)1. of this rule should be increased to maintain acceptable velocities.]

*[(E)](D) Bench. [A bench shall be provided on each side of any manhole channel when the pipe diameter(s) are less than the manhole diameter. The bench should be sloped no less than a one-half inch per foot (0.5 in/ft) (12.7 mm/m).] No sewer, service connection, or drop manhole pipe shall discharge onto the surface of the bench.*

*[(F)](E) Watertightness.*

[1.] Manholes shall be watertight[. Manholes shall be of the precast concrete or poured-in-place concrete type. Precast manholes shall conform to the design and test methods specified in ASTM C478 and C497], constructed, and installed in accordance with the manufacturer's recommendations and procedures.

[2. Manhole lift holes, grade adjustment rings, precast section joints, and any additional areas potentially subject to infiltration shall be sealed watertight.

3. Inlet and outlet pipes shall be joined to the manhole with a gasketed flexible watertight connection or any watertight connection arrangement that allows differential settlement of the pipe and manhole wall to take place.

4. Watertight manhole covers are to be used wherever the manhole tops may be flooded by street runoff or high water. Bolt-down cover assemblies may be needed on manholes subject to displacement by sewer surcharging. Locked manhole covers may be desirable in isolated easement locations or where vandalism may be a problem.]

*[(G)](F) Inspection and Testing. [The specifications shall include a requirement for inspection and testing for watertightness or damage prior to placing into service.]*

1. Vacuum testing, if specified for concrete sewer manholes, shall conform to the test procedures in ASTM C1244 – 11(2017) *Standard Test Method for Concrete Sewer Manholes by the Negative Air Pressure (Vacuum) Test Prior to Backfill*, as approved and published April 1, 2017, or the manufacturer's recommendation. This standard is hereby incorporated by reference into this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

2. Exfiltration testing, if specified for concrete sewer manholes, shall conform to the test procedures in ASTM C969 – 17 *Standard Practice for Infiltration and Exfiltration Acceptance Testing of Installed Precast Concrete Pipe Sewer Lines*, as approved and published April 1, 2017. This standard is hereby incorporated by reference into this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

*[(H) Corrosion Protection for Manholes. Where corrosive conditions due to septicity or other causes are anticipated, corrosion protection on the interior of the manholes shall be provided.*

*[(I) Electrical. Electrical equipment installed or used in manholes shall conform to 10 CSR 20-8.130(4)(C)5.*

(7) Inverted Siphons. Inverted siphons shall have not less than two (2) barrels, with a minimum pipe size of six inches

(6") (15 cm). They shall be provided with necessary appurtenances for maintenance, convenient flushing, and cleaning equipment. The inlet and discharge structures shall have adequate clearances for cleaning equipment, inspection, and flushing. Design shall provide sufficient head and appropriate pipe sizes to secure velocities of at least three feet (3') per second (0.9 m/s) for design average flows. The inlet and outlet details shall be arranged so that the design average flow is diverted to one (1) barrel and so that either barrel may be cut out-of-service for cleaning. The vertical alignment should permit cleaning and maintenance.

*(8) Sewers in Relation to Streams.*

*(A) Location of Sewers in Streams.*

1. Cover depth. The top of all sewers entering or crossing streams shall be at a sufficient depth below the natural bottom of the stream bed to protect the sewer line. In general, the following cover requirements must be met:

A. One foot (1') (0.3 m) of cover is required where the sewer is located in rock;

B. Three feet (3') (0.9 m) of cover is required in other material. In major streams, more than three feet (3') (0.9 m) of cover may be required;

C. In paved stream channels, the top of the sewer line should be placed below the bottom of the channel pavement; and

D. Less cover will be approved only if the proposed sewer crossing will not interfere with future modifications to the stream channel. Justification for requesting less cover shall be provided to the department.

2. Horizontal location. Sewers along streams shall be located sufficiently outside the stream bed to prevent pollution by siltation during construction and to minimize possible exposure due to erosion.

3. Structures. The sewer outfalls, headwalls, manholes, gateboxes, or other structures shall be located so they do not interfere with the free discharge of flood flows of the stream.

4. Alignment. Sewers crossing streams should be designed to cross the stream as nearly perpendicular to the stream flow as possible and shall be free from change in grade.

5. Sewer systems shall be designed to minimize the number of stream crossings.

*(B) Construction.*

1. Materials. Sewers entering or crossing streams shall be constructed of ductile-iron pipe with mechanical joints; otherwise, they shall be constructed so they will remain watertight and free from changes in alignment or grade. Material used to backfill the trench shall be stone, coarse aggregate, washed gravel, or other materials which will not readily erode, cause siltation, damage pipe during placement, or corrode the pipe.

2. Siltation and erosion. Construction methods that will minimize siltation and erosion shall be employed. The design engineer shall include in the project specifications the method(s) to be employed in the construction of sewers in or near streams. Such methods shall provide adequate control of siltation and erosion by limiting unnecessary excavation, disturbing or uprooting trees and vegetation, dumping of soil or debris, or pumping silt-laden water into the stream. Specifications shall require that clean-up, grading, seeding, planting, or restoration of all work areas shall begin immediately. Exposed areas shall not remain unprotected for more than seven (7) days.

*(9) Aerial Crossings.*

(A) Support shall be provided for all joints in pipes utilized

for aerial crossings. The supports shall be designed to prevent frost heave, overturning, and settlement.

(B) Precautions against freezing, such as insulation and increased slope, shall be provided. Expansion jointing shall be provided between above-ground and below-ground sewers. Where buried sewers change to aerial sewers, special construction techniques shall be used to minimize frost heaving.

(C) For aerial stream crossings, the impact of flood waters and debris shall be considered. The bottom of the pipe should be placed no lower than the elevation of the fifty (50)-year flood.

(D) Aerial crossings shall be constructed of ductile-iron pipe with mechanical joints; otherwise, they shall be constructed so that they will remain watertight and free from changes in alignment or grade.]

**[(10)](5) Protection of Water Supplies.**

(A) Cross Connections *[Prohibited]*. There shall be no physical connections between a public or private potable water supply system and a sewer[,] or appurtenance *[thereto which]* that would permit the passage of any wastewater or polluted water into the potable supply. *[No water pipe shall pass through or come in contact with any part of a sewer manhole.]*

(B) Relation to Water Works Structures. Sewers shall be laid at least fifty feet (50') in a horizontal direction from any existing or proposed public water supply well or other water supply sources or structures. Sewers must also comply with 10 CSR 23-3.010.

[1. While no general statement can be made to cover all conditions, it is recognized that sewers shall meet the requirements of 10 CSR 23-3.010 with respect to minimum distances from public water supply wells or other water supply sources and structures.

2. All existing water works units, such as basins, wells, or other treatment units, within two hundred feet (200') (60 m) of the proposed sewer shall be shown on the engineering plans.

**(C) Relation to Water Mains**

**1. Horizontal and vertical separation.**

A. Sewer mains shall be laid at least ten feet (10') (3.0 m) horizontally from any existing or proposed water main. The distances shall be measured edge-to-edge. In cases where it is not practical to maintain a ten-foot (10') (3.0 m) separation, the department may allow deviation on a case-by-case basis, if supported by data from the design engineer. Such a deviation may allow installation of the sewer closer to a water main, provided that the water main is in a separate trench or on an undisturbed earth shelf located on one (1) side of the sewer and at an elevation so the bottom of the water main is at least eighteen inches (18") (46 cm) above the top of the sewer.

B. If it is impossible to obtain proper horizontal and vertical separation as described above for sewers, the sewer must be constructed of slip-on or mechanical joint pipe or continuously encased and be pressure tested to one hundred fifty pounds per square inch (150 psi) (1,034 kPa) to assure watertightness.

C. Manholes should be located at least ten feet (10') (3.0 m) horizontally from any existing or proposed water main.

**2. Crossings.**

A. Sewers crossing water mains shall be laid to provide a minimum vertical distance of eighteen inches (18") (46 cm) between the outside of the water main and the outside of the sewer. This shall be the case where the water main is either above or below the sewer. The crossing shall be arranged so that the sewer joints will be equidistant and as far as possible from the water main joints. Where a water

main crosses under a sewer, adequate structural support shall be provided for the sewer to maintain line and grade.

B. When it is impossible to obtain proper vertical separation as stipulated above, one (1) of the following methods must be specified:

(I) The sewer shall be designed and constructed equal to water pipe and shall be pressure tested to assure watertightness prior to backfilling; or

(II) Either the water main or sewer line may be continuously encased or enclosed in a watertight carrier pipe which extends ten feet (10') (3.0 m) on both sides of the crossing, measured perpendicular to the water main. The carrier pipe shall be of materials approved by the department for use in water main construction.]

**AUTHORITY:** section 644.026, RSMo [2000] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed May 17, 1994, effective Dec. 30, 1994. Amended: Filed June 28, 2011, effective Feb. 29, 2012. Amended: Filed June 15, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through e-mail to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 12, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Minimum Design Standards**

**PROPOSED RULE**

**10 CSR 20-8.125 Alternative Sewer Systems**

**PURPOSE:** This rule specifies the minimum standards for the design of alternative sewer systems that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

(1) Applicability. Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

(2) Approval of Sewers. For sewer approval, follow the provisions listed in 10 CSR 20-8.120(2).



(3) Supplement to the Engineering Report. Alternative sewer systems shall not to be used in lieu of conventional gravity sewers, but may be acceptable when it can be shown in the engineering report that it is not feasible to provide conventional gravity sewers. For more information, follow the provisions in 10 CSR 20-8.110(4).

(4) General.

(A) Continuing Authority. The continuing authority must be responsible for the operation and maintenance and modernization of an alternative sewer system collection system. See 10 CSR 20-6.010(2) for acceptable continuing authorities.

(B) Flooding. For flood protection, follow the provisions in 10 CSR 20-8.140(2)(B).

(C) Accessibility. For pumping station structure and septic tank accessibility, follow the provisions listed in 10 CSR 20-8.140(2)(D).

(D) Security. For fencing criteria, follow the provisions in 10 CSR 20-8.140(7)(A).

(E) Potable Water Sources. For the minimum separation distances from potable water sources, follow the provisions in 10 CSR 20-8.130(2)(D).

(F) Protection of Water Supplies. For the separation and crossings of water supplies, follow the provisions in 10 CSR 20-8.120(5).

(5) Pressure Sewers.

(A) Sewer Design.

1. Velocity. Design shall be based on the most probable number of pumping units expected to operate simultaneously or on some other acceptable method of computing the peak pumpage rate.

A. A cleansing velocity of at least two feet per second (2 ft/s) at least once and preferably several times per day shall be achieved.

2. Minimum size. The minimum diameter sewer main pipe shall not be less than one and a half inches (1.5").

3. Installation. For sewer installation, follow the provisions in 10 CSR 20-8.120(3).

4. Hydrostatic pressure test. The applicant must comply with the manufacturer's recommended testing procedures.

(B) Sewer Appurtenances. Appurtenances shall be compatible with the piping system and full bore with smooth interior surfaces to eliminate obstruction and keep friction loss to a minimum.

1. Isolation valves shall be—

A. Comprised of resilient seated gate valve or ball valve with a position indicator;

B. Constructed from corrosion resistant materials; and

C. Enclosed in a watertight and lockable valve box.

2. Isolation valves shall be installed on—

A. The upstream side of major pipe intersections;

B. Both sides of stream, bridge, and railroad crossings, and unstable soil; and

C. The terminal end of the system to facilitate future extensions.

3. Proper support (e.g., crushed stone, concrete pads, or a well compacted trench bottom) shall be provided for valves so the weight of the valve not carried by the pipe.

(C) Service Line Connection. The minimum diameter service line pipe shall be one and one quarter inches (1.25").

(D) Grinder Pump Stations.

1. Number of pumps.

A. Simplex grinder pump station shall—

(I) Not serve multiple equivalent dwelling units (EDU) if owned, operated, and maintained by individual homeowners; and

(III) Not serve commercial facilities.

B. Multiple unit grinder pump stations must be owned, operated, and maintained by an approved continuing authority. See subsection (4)(A) of this rule for more continuing authority information.

2. Grinder pump vaults shall be watertight.

3. Storage volume. A grinder pump vault shall have a storage volume of at least seventy (70) gallons.

4. Valves. The following valves must be provided in the grinder

pump vaults:

A. A shutoff valve accessible from the ground surface;

B. A check valve to prevent backflow; and

C. An anti-siphon valve, where siphoning could occur.

5. Grinder pump construction. For design of pumps and motors, follow the provisions in 10 CSR 20-8.130(5).

6. Controls. For water level control design, follow the provisions in 10 CSR 20-8.130(5).

7. Electrical equipment. For electrical equipment, follow the provisions in 10 CSR 20-8.130(3)(C).

8. Emergency operations. When the continuing authority operates and maintains the grinder pump stations, provisions must be made for periods of mechanical or power failure.

(6) Septic Tank Effluent Pumped (STEP) Sewers.

(A) Sewer Design. Follow the provisions in subsection (5)(A) of this rule.

(B) Sewer Appurtenances. Follow the provisions in subsection (5)(B) of this rule.

(C) Service Line Connection. Follow the provisions in subsection (5)(C) of this rule.

(D) Septic Tank Design. Follow the provisions in 10 CSR 20-8.180(2). Additionally, septic tank design shall:

1. Provide at least one (1) septic tank to serve each EDU;

2. Provide at least one thousand (1,000) gallons capacity; and

3. Provide twenty percent (20%) of the septic tank volume for freeboard and ventilation.

(E) Existing Septic Tanks. When existing on-site septic tanks are proposed for reuse in an alternative sewer system, they must be inspected and verified watertight prior to acceptance. Follow the provisions in subsection (6)(D) of this rule for the minimum design of acceptable existing septic tanks proposed for reuse.

(F) Pump Vault Design.

1. Number of pumps. Duplex pumps shall be provided where the design flow from the EDUs, or other, is one thousand five hundred (1,500) gallons per day or greater.

2. Pump removal. Follow the provisions in 10 CSR 20-8.130(5)(A).

3. Valves. Follow the provisions in paragraph (5)(D)4. of this rule.

4. Controls. For water level control design, follow the provisions in 10 CSR 20-8.130(3)(C).

5. Electrical equipment. Follow the provisions in 10 CSR 20-8.130(3)(B)2.

6. Emergency operations. Provisions must be made for periods of mechanical or power failure.

(7) Septic Tank Effluent Gravity (STEG) Sewers.

(A) Sewer Design.

1. Minimum size. The minimum diameter sewer main pipe shall not be less than four inches (4").

2. Installation. Follow the provisions in 10 CSR 20-8.120(3)(A).

3. Leakage tests. Follow the provisions in 10 CSR 20-8.120(3)(B).

(B) Sewer Appurtenances. Follow the provisions in subsection (5)(B) of this rule. When manholes are utilized at major junctions of sewer mains, follow the provisions in 10 CSR 20-8.120(4).

(C) Service Line Connection. Follow the provisions in subsection (5)(C) of this rule.

1. The diameter of service line pipe shall not be less than four inches (4").

(D) Septic Tank Design. Follow the provisions in subsections (6)(D) through (6)(E) of this rule.

(8) Combination of Sewers. A pressure sewer system discharging to a downstream STEP or STEG sewer system shall not be permitted, as effluent sewers are not designed to carry settleable solids and grease.

**AUTHORITY:** section 644.026, RSMo 2016. Original rule filed June 15, 2018.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [john.rustige@dnr.mo.gov](mailto:john.rustige@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.130 [Sewage] Pumping Stations.** The Clean Water Commission is amending sections (1) through (7), and removing sections (8) though (11).

**PURPOSE:** This amendment will retain and add minimum design standards for pumping stations that are required to protect or improve public health, safety, and water quality.

**PURPOSE:** [The following criteria have been prepared as a guide for the design of sewage pumping stations. This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.] This rule specifies the minimum standards for the design of pumping stations that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

[(1) Definitions. Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires other-

wise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.

(2) Exceptions. This rule shall not apply to facilities designed for twenty-two thousand five hundred (22,500) gallons per day (85.4m<sup>3</sup>) or less, see 10 CSR 20-8.020 for the requirements for those facilities.

(3) General.

(A) Flooding. Sewage pumping station structures and electrical and mechanical equipment shall be protected from physical damage by the one hundred (100)-year flood. Sewage pumping stations should remain fully operational and accessible during the twenty-five (25)-year flood.

(B) Accessibility. The pumping station shall be readily accessible by maintenance vehicles during all weather conditions. The facility should be located off the traffic way of streets and alleys.

(C) Grit. Where it is necessary to pump sewage prior to grit removal, the design of the wet well and pump station piping shall receive special consideration to avoid operational problems from the accumulation of grit.]

(1) Applicability. Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

(2) General.

(A) Flood Protection. For flood protection follow the provisions in 10 CSR 20-8.140(2)(B).

(B) Access Road. For access roads to pump station sites follow the provisions in 10 CSR 20-8.140(2)(D).

(C) Safety. For safety follow the applicable portions of 10 CSR 20-8.140(8).

(D) Potable Water Sources. The distance between wastewater pumping stations and all potable water sources shall be at least fifty feet (50') in accordance with 10 CSR 23-3.010(2)(A)5.

(E) Housed Wet Wells. Design housed wet well ventilation in accordance with 10 CSR 20-8.140(8)(J).

[(4)](3) Design.

[(A) Type. Sewage pumping stations should be of the wet/dry well type. Other types as set forth under sections (5) and (6) of this rule may be approved where circumstances justify their use.]

[(B)](A) Structures.

1. Separation. Dry wells, including their superstructure, shall be completely separated from the wet well with gas tight common walls.

[2. Equipment removal. Provision shall be made to facilitate removing pumps, motors and other mechanical and electrical equipment.]

[3.]2. Access. Suitable and safe means of access [shall be provided] to dry wells and to wet wells [containing either bar screens or mechanical equipment requiring inspection or

*maintenance. For built-in-place pump stations, a stairway with rest landings shall be provided at vertical intervals not to exceed twelve feet (12') (3.7m). For factory-built pump stations over fifteen feet (15') (4.6m) deep, a rigidly fixed landing shall be provided at vertical intervals not to exceed ten feet (10') (3.0m). Where a landing is used, a suitable and rigidly fixed barrier shall be provided to prevent an individual from falling past the intermediate landing to a lower level. Where approved by the agency, a manlift or elevator may be used in lieu of landings in a factory-built station, provided emergency access is included in the design. Reference should be made to local, state and federal safety codes and, if they are more stringent, they shall govern (also see 10 CSR 20-8.140(8)(F)) shall be provided to persons wearing self-contained breathing apparatus.*

*[4. Construction materials. Due consideration shall be given to the selection of materials because of the presence of hydrogen sulfide and other corrosive gases, greases, oils and other constituents frequently present in sewage.]*

*[(C)](B) Pumps [and Pneumatic Ejectors].*

*1. Multiple units. [At least two (2) pumps or pneumatic ejectors shall be provided. A minimum of three (3) pumps should be provided for stations handling flows greater than one (1) mgd (3800m<sup>3</sup>/d). If only two (2) units are provided, they should have the same capacity. Each shall be capable of handling flows in excess of the expected maximum flow. Where three (3) or more units are provided, they should be designed to fit actual flow conditions and must be of a capacity that with any one (1) unit out-of-service the remaining units will have capacity to handle maximum sewage flows.] Multiple pumps shall be provided except for design average flows of less than fifteen hundred (1,500) gallons per day.*

*[2. Protection against clogging. Pumps handling combined sewage shall be preceded by readily accessible bar racks to protect the pumps from clogging or damage. Bar racks should have clear openings not exceeding two and one-half inches (2 1/2") (6.4 cm). Where a bar rack is provided, a mechanical hoist shall also be provided. Where the size of the installation warrants, mechanically cleaned and/or duplicate bar racks shall be provided. Pumps handling separate sanitary sewage from thirty inches (30") (76 cm) or larger diameter sewers shall be protected by bar racks meeting these requirements. Appropriate protection from clogging shall also be considered for small pumping stations.*

*3. Pump openings. Except where grinder pumps are used, pumps shall be capable of passing spheres of at least three inches (3") (7.6 cm) in diameter and pump suction and discharge piping shall be at least four inches (4") (10.2 cm) in diameter.*

*4. Priming. The pump shall be so placed that under normal operating conditions it will operate under a positive suction head, except as specified in section (5) of this rule.]*

*[5.]2. Electrical equipment. [Electrical systems and components (for example, motors, lights, cables, conduits, switchboxes, control circuits, etc.) in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors may be present, including raw sewage wet wells, shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1, location). In addition,] Electrical equipment shall be provided with the following requirements:*

*A. Electrical equipment must comply with 10 CSR 20-8.140(7)(B);*

*B. Utilize corrosive resistant equipment located in the wet well [shall be suitable for use under corrosive conditions. Each flexible cable shall be provided with];*

*C. Provide a watertight seal and separate strain relief[.] for*

*all flexible cable;*

*D. Install [A/a] fused disconnect switch located above ground [shall be provided] for the main power feed for all pumping stations.*

*E. When [the] such equipment is exposed to weather, it shall [meet] comply with the requirements of weather proof equipment [(NEMA 3R).]; enclosure NEMA 4; NEMA 4X where necessary; and NEMA Standard 250-2014, published December 15, 2014. This standard is hereby incorporated by reference into this rule, as published by National Electrical Manufacturers Association, 1300 North 17th Street, Arlington, VA 22209;*

*F. Install lightning and surge protection systems;*

*G. Install a one hundred ten volt (110 V) power receptacle inside the control panel located outdoors to facilitate maintenance; and*

*H. Provide Ground Fault Circuit Interruption (GFCI) protection for all outdoor receptacles.*

*[6. Intake. Each pump should have an additional individual intake. Wet well design should be such as to avoid turbulence near the intake. Intake piping should be as straight and short as possible.*

*7. Dry well de-watering. A separate sump pump equipped with dual check valves shall be provided in the dry wells to remove leakage or drainage with the discharge located as high as possible. A connection to the pump suction is also recommended as an auxiliary feature. Water ejectors connected to a potable water supply will not be approved. All floor and walkway surfaces should have an adequate slope to a point of drainage. Pump seal water shall be piped to the sump.*

*8. Pumping rates. The pumps and controls of main pumping stations and especially pumping stations pumping to the treatment works or operated as part of the treatment works should be selected to operate at varying delivery rates to permit discharging sewage at approximately its rate of delivery to the pump station. Design pumping rates should be established in accordance with 10 CSR 20-8.120(5) or 10 CSR 20-8.140(5)(C)1. as appropriate.]*

*[(D)](C) Controls. Water level controls must be accessible without entering the wet well.*

*[1. Type. Control systems shall be of the air bubbler type, the encapsulated float type or the flow measuring type. Float tube control systems on existing stations being upgraded may be approved. The electrical equipment shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1 location).*

*2. Location. The control system shall be located away from the turbulence of incoming flow and pump suction.*

*3. Alternation. In small stations, provisions should be made to automatically alternate the pumps in use.]*

*[(E)](D) Valves. Valves shall not be located in the wet well unless integral to a pump or its housing.*

*[1. Suitable shutoff valves shall be placed on the suction line of each pump except on submersible and vacuum primed pumps.*

*2. Suitable shutoff and check valves shall be placed on the discharge line of each pump. The check valve shall be located between the shutoff valve and the pump. Check valves shall be suitable for the material being handled. Check valves shall not be placed on the vertical portion of discharge piping. Valves shall be capable of withstanding normal pressure and water hammer. Where limited pump backspin will not damage the pump and low discharge head conditions exist, short individual force mains for each pump may be considered in lieu of discharge valves.*

*3. Valves shall not be located in the wet well.]*

*[(F)](E) Wet Wells. Covered wet wells shall have provisions for air displacement to the atmosphere, such as an inverted and*

screened “j” tube or other means.

[1. Divided wells. Consideration should be given to dividing the wet well into multiple sections, properly interconnected, to facilitate repairs and cleaning.

2. Size. The wet well size and control setting shall be appropriate to avoid heat buildup in the pump motor due to frequent starting and to avoid septic conditions due to excessive detention time.

3. Floor slope. The wet well floor shall have a minimum slope of one to one (1:1) to the hopper bottom. The horizontal area of the hopper bottom shall not be greater than necessary for proper installation and function of the inlet.

(G) Ventilation. Adequate ventilation shall be provided for all pump stations. Where the pump pit is below the ground surface, mechanical ventilation is required, so arranged as to independently ventilate the dry well and the wet well if screens or mechanical equipment requiring maintenance or inspection are located in the wet well. There shall be no interconnection between the wet well and dry well ventilation systems. In pits over fifteen feet (15') (4.6m) deep, multiple inlets and outlets are desirable. Dampers should not be used on exhaust or fresh air ducts and fine screens or other obstructions in air ducts should be avoided to prevent clogging. Switches for operation of ventilation equipment should be marked and located conveniently. All intermittently operated ventilating equipment shall be interconnected with the respective pit lighting system. Consideration should be given also to automatic controls where intermittent operation is used. The fan wheel should be fabricated from nonsparking material. Consideration should be given to installation of automatic heating and/or dehumidification equipment.

1. Wet wells. Ventilation may be either continuous or intermittent. Ventilation, if continuous, shall provide at least twelve (12) complete air changes per hour, if intermittent, at least thirty (30) complete air changes per hour. Air shall be forced into the wet well rather than exhausted from the wet well.

2. Dry wells. Ventilation may be either continuous or intermittent. Ventilation, if continuous, shall provide at least six (6) complete air changes per hour, if intermittent, at least thirty (30) complete air changes per hour.

(H) Flow Measurement. Suitable devices for measuring sewage flow should be considered at all pumping stations.]

(F) Ventilation. Interconnection between the wet well and dry well ventilation systems is not acceptable. For ventilation follow the provisions in 10 CSR 20-8.140(8)(J).

[(I)](G) Water Supply. There shall be no physical connection between any potable water supply and a [sewage] wastewater pumping station, which under any conditions, might cause contamination of the potable water supply. If a potable water supply is brought to the station, [it should] comply with conditions stipulated under 10 CSR 20-8.140[(8)(B)](7)(D).

[(5)](4) Suction Lift Pumps. [Suction lift pumps shall be of the self priming or vacuum priming type and shall meet the applicable requirements under section (4) of this rule. Suction lift pump stations using dynamic suction lifts exceeding the limits outlined in the following subsections may be approved by the agency upon submission of factory certification of pump performance and detail calculations indicating satisfactory performance under the proposed operating conditions. Detail calculations must include static suction lift as measured from “lead pump off” elevation to center line of pump suction, friction and other hydraulic losses of the suction piping, vapor pressure of the liquid, altitude correction, required net positive suction head and a safety factor of at least six feet (6') (1.8m). The pump equipment compartment shall be above grade or offset and shall be

effectively isolated from the wet well to prevent the humid and corrosive sewer atmosphere from entering the equipment compartment. Wet well access shall not be through the equipment compartment. Valving shall not be located in the wet well.]

(A) Self-Priming Pumps. [Self-priming pumps shall be capable of rapid priming and repriming at the “lead pump on” elevation. This self-priming and repriming shall be accomplished automatically under design operating conditions. Suction piping should not exceed the size of the pump suction and shall not exceed twenty-five feet (25') (7.6m) in total length. Priming lift at the “lead pump on” elevation shall include a safety factor of at least four feet (4') (1.2m) from the maximum allowable priming lift for the specific equipment at design operating conditions.] The combined total of dynamic suction lift at the “pump off” elevation and required net positive suction head at design operating conditions shall not exceed twenty-two feet (22') [(6.7m)].

(B) Vacuum Priming Pumps. Vacuum priming pump stations shall be equipped with dual vacuum pumps capable of automatically and completely removing air from the suction lift pump. [The vacuum pumps shall be adequately protected from damage due to sewage. The combined total of dynamic suction lift at the “pump off” elevation and required net positive suction head at design operating conditions shall not exceed twenty-two feet (22") (6.7m).]

(C) Wet Well Access. Wet well access shall not be through the equipment compartment. Provide access in accordance with paragraph (3)(A)2. of this rule.

[(6)](5) Submersible Pump Stations. Submersible pump stations shall meet the applicable requirements under section [(4)] (3) of this rule, except as modified in this section.

[(A) Construction. Submersible pumps and motors shall be designed specifically for raw sewage use, including totally submerged operation during a portion of each pumping cycle. An effective method to detect shaft seal failure or potential seal failure shall be provided and the motor shall be of squirrel-cage type design without brushes or other arc-producing mechanisms.]

[(B)](A) Pump Removal. Submersible pumps shall be readily removable and replaceable without personnel entering, def-/watering, [the wet well] or disconnecting any piping in the wet well.

[(C) Electrical.

1. Power supply and control. Electrical supply and control circuits shall be designed to allow disconnection at a junction box located or accessible from outside the wet well. Terminals and connectors shall be protected from corrosion by location outside of the wet well or by watertight seals.

2. Controls. The motor control center shall be located outside the wet well and be protected by a conduit seal to prevent the atmosphere in the wet well from gaining access to the control center. The seal shall be located so that the motor may be removed and electrically disconnected without disturbing the seal.

3. Power cord. Pump motor power cords shall be designed for flexibility and serviceability under conditions of extra hard usage and shall meet the requirements of the Mine Safety and Health Administration for trailing cables. Ground fault interruption protection shall be used to de-energize the circuit in the event of any failure in the electrical integrity of the cable. Power cord terminal fittings shall be corrosion resistant and be constructed in a manner to prevent the entry of moisture into the cable, shall be provided with strain relief appurtenances and shall be designed to facilitate field connecting.]

[(D)](B) Valve Chamber and Valves. Valves required under subsection [(4)(E)] (3)(D) of this rule shall be located in a separate valve

[pit] chamber. [Accumulated water shall be drained to the wet well or to the soil. If the valve pit is drained to the wet well, an effective method shall be provided to prevent sewage from entering the pit during surcharged wet well conditions.]

1. Access. A minimum access hatch dimensions of twenty-four inches by thirty-six inches (24" x 36") shall be provided. For access, follow the provisions in paragraph (3)(A)2. of this rule.

2. Portable pump connection. A portable pump connection on the discharge line with rapid connection capabilities shall be provided.

[(7)](6) Alarm Systems. Alarm systems with an uninterrupted power source shall be provided for pumping stations. [The alarm shall be activated in cases of power failure, pump failure, use of the lag pump, unauthorized entry or any cause of pump station malfunction. Pumping station alarms shall be telemetered, including identification of the alarm condition, to a municipal facility that is manned twenty-four (24) hours a day. If such a facility is not available and twenty-four (24)-hour holding capacity is not provided, the alarm shall be telemetered to city offices during normal working hours and to the home of the person(s) responsible in charge of the lift station during off-duty hours. Audiovisual alarm systems with a self-contained power supply may be acceptable in some cases in lieu of the telemetering system outlined in this section, depending upon location, station holding capacity and inspection frequency.]

[(8) Emergency Operation. Pumping stations and collection systems shall be designed to prevent or minimize bypassing of raw sewage. For use during possible periods of extensive power outages, mandatory power reductions or uncontrolled storm events, consideration should be given to providing a controlled, high-level wet well overflow to supplement alarm systems and emergency power generation in order to prevent backup of sewage into basements, or other discharges which may cause severe adverse impacts on public interests, including public health and property damage. Where a controlled diversion is utilized, consideration shall also be given to the installation of storage-detention tanks or basins, which will be made to drain to the station wet well. Where overflows affect public water supplies, shellfish production or waters used for culinary or food processing purposes, a storage-detention basin or tank, shall be provided having two (2)-hour detention capacity at the anticipated overflow rate.

(A) Overflow Prevention Methods. A satisfactory method shall be provided to prevent or minimize overflows. The following methods should be evaluated on an individual basis. The choice should be based on least cost and least operational problems of the methods providing an acceptable degree of reliability. The methods are—

1. Storage capacity including trunk sewers for retention of wet weather flows. Storage basins must be designed to drain back into the wet well or collection system after the flow recedes;

2. An in-place or portable pump, driven by an internal combustion engine meeting the requirements of subsection (8)(B) of this rule, capable of pumping from the wet well to the discharge side of the station; and

3. Two (2) independent public utility sources or engine-driven generating equipment meeting the requirements of subsection (8)(B) of this rule.

(B) Equipment Requirements.

1. General. The following general requirements shall apply to all internal combustion engines used to drive auxiliary pumps, service pumps through special drives or electrical generating equipment.

A. Engine protection. The engine must be protected from operating conditions that would result in damage to equipment. Unless continuous manual supervision is planned, protective equipment shall be capable of shutting down the engine and activating an alarm on-site and as provided in section (7) of this rule. Protective equipment shall monitor for conditions of low oil pressure and overheating, except oil pressure monitoring will not be required for engines with splash lubrication.

B. Size. The engine shall have adequate rated power to start and continuously operate all connected loads.

C. Fuel type. Reliability and ease of starting, especially during cold weather conditions should be considered in the selection of the type of fuel.

D. Engine ventilation. The engine shall be located above grade with adequate ventilation of fuel vapors and exhaust gases.

E. Routine start-up. All emergency equipment shall be provided with instructions indicating the need for regular starting and running of the units at full loads.

F. Protection of equipment. Emergency equipment shall be protected from damage at the restoration of regular electrical power.

2. Engine-driven pumping equipment. Where permanently installed or portable engine-driven pumps are used, the following requirements in addition to general requirements shall apply:

A. Pumping capacity. Engine-driven pump(s) shall meet the design pumping requirements unless storage capacity is available for flows in excess of pump capacity. Pumps shall be designed for anticipated operating conditions, including suction lift if applicable;

B. Operation. The engine and pump shall be equipped to provide automatic start-up and operation of pumping equipment. Provisions shall also be made for manual start-up. Where manual start-up and operation is justified, storage capacity and alarm system must meet the requirements of subparagraph (8)(B)2.C. of this rule; and

C. Portable pumping systems. Where part or all of the engine-driven pumping equipment is portable, sufficient storage capacity to allow time for detection of pump station failure and transportation and hookup of the portable equipment shall be provided. A riser from the force main with quick-connect coupling and appropriate valving shall be provided to hookup portable pumps.

3. Engine-driven generating equipment. Where permanently installed or portable engine-driven generating equipment is used, the following requirements in addition to general requirements shall apply:

A. Generating capacity. Generating unit size shall be adequate to provide power for pump motor starting current and for lighting, ventilation and other auxiliary equipment necessary for safety and proper operation of the lift station. The operation of only one (1) pump during periods of auxiliary power supply must be justified. Justification may be made on the basis of maximum anticipated flows relative to single pump capacity, anticipated length of power outage and storage capacity. Special sequencing controls shall be provided to start pump motors unless the generating equipment has capacity to start all pumps simultaneously with auxiliary equipment operating;

B. Operation. Provisions shall be made for automatic and manual start-up and load transfer. The generator must be protected from operating conditions that would result in damage to equipment. Provisions should be considered to allow the engine to start and stabilize at operating speed before assuming the load. Where manual start-up and transfer is justified, storage capacity and alarm system must meet

the requirements of subparagraph (8)(B)3.C. of this rule; and

C. *Portable generating equipment.* Where portable generating equipment or manual transfer is provided, sufficient storage capacity to allow time for detection of pump station failure and transportation and connection of generating equipment shall be provided. The use of special electrical connections and double throw switches are recommended for connecting portable generating equipment.

(9) *Grinder Pumps in Pressure Sewer Systems.* A pressure sewer system is defined as two (2) or more grinder pump units at different locations discharging into a common force main. Grinder pump units and pressure systems are not to be used in lieu of conventional gravity collection systems; however, grinder pumps may be used where it is not feasible to provide conventional gravity sewer service, such as where the topography makes it difficult for the users to be served by a conventional system, groundwater conditions make construction and maintenance of a conventional system difficult or excessive rock excavation makes a conventional system impractical. The operating authority shall be responsible for the entire system which shall include the force mains, grinder pump units and appurtenances.

(A) *Pump Openings.* The grinder unit must be capable of reducing any material which enters the grinder unit to a size that the materials will pass through the pump unit and force main without plugging or clogging. No screens or other devices requiring regular maintenance may be used to keep trashy or stringy material out of the grinder pump or force main. This requirement shall be in lieu of the requirements in paragraph (4)(C)3. of this rule.

(B) *Storage Capacity.* The minimum storage capacity of the grinder pump unit shall be fifty (50) gallons (189 l). The unit shall be capable of accommodating normal peak flows for periods of eight to twelve (8–12) hours.

(C) *Alarm System.* For grinder pump units serving a single home, an audiovisual alarm capable of alerting the resident and operating personnel in the area may be used in lieu of the alarm system specified in section (7) of this rule.

(D) *Valves.* A gate valve must be provided on the service line near the common force main.

(E) *Force Main Velocity.* The velocity shall meet the requirements of subsection (11)(A) of this rule based on the most probable number of pump units expected to operate simultaneously or on some other acceptable method of computing the peak pumpage rate.

(F) *Cleaning.* Consideration should be given to providing a suitable method of cleaning the force main whenever the velocity in the force main may be less than two feet (2') per second (0.61m/s) before ultimate development is reached.

(G) *Electrical.* Units must be serviceable and replaceable under wet conditions without electrical hazard to repair personnel. Electrical equipment shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1 location).

(H) *Standby Units.* One (1) standby unit for each fifty (50) units or fraction thereof must be provided for each model installed.

(I) *Service Interruptions.* Provisions shall be made to avoid interruption of service due to mechanical or power failure by providing standby power, storage capacity or interconnection with another disposal system.

(10) *Instructions and Equipment.* Sewage pumping stations and their operators should be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, special tools and spare parts as may be necessary.

(11) *Force Mains.*

(A) *Velocity.* At design average flow a velocity of at least two feet (2') per second (0.61m/s) shall be maintained.

(B) *Air Relief Valve.* An air relief valve shall be placed at high points in the force main to prevent air locking. When accumulation of air or decomposition gases are likely, an automatic air relief valve suitable for use on sewage force mains shall be used.

(C) *Termination.* Force mains should enter the gravity sewer system at a point not more than two feet (2') (30 cm) above the flow line of the receiving manhole.

(D) *Design Pressure.* The force main and fittings including reaction blocking shall be designed to withstand normal pressure and pressure surges (water hammer).

(E) *Special Construction.* Force main construction near streams or used for aerial crossings shall meet applicable requirements of 10 CSR 20-8.120(9) and (10).

(F) *Design Friction Losses.* Friction losses through force mains shall be based on the Hazen and Williams formula or other acceptable method. When the Hazen and Williams formula is used, the following values for "C" shall be used for design; unlined iron or steel—one hundred (100) and all other—one hundred twenty (120). When initially installed, force mains will have a significantly higher "C" factor. The higher "C" factor should be considered only in calculating maximum power requirements.

(G) *Separation from Water Mains.* There shall be at least a ten-foot (10') (3.0 m) horizontal separation between water mains and sanitary sewer force mains. Force mains crossing water mains shall be laid to provide a minimum vertical distance of eighteen inches (18") (46 cm) between the outside of the force main and the outside of the water main. This shall be the case where the water main is either above or below the force main. At crossings, one (1) full length of water pipe shall be located so both joints will be as far from the force main as possible. Special structural support for the water main and force main may be required.

(H) *Identification of Force Mains.* Where force mains are constructed of material which might cause the force main to be confused with potable water mains, the force main should be appropriately identified.]

(7) *Force Mains.*

(A) *Design.* Force main system shall be designed to withstand all pressures (including water hammer and associated cyclic reversal of stresses), and maintain a velocity of at least two feet (2') per second.

(B) *Installation.* For installation follow the provisions in 10 CSR 20-8.120(3)(A).

(C) *Protection of Water Supplies.* For separation between water mains and sanitary sewer force mains follow the provisions in 10 CSR 20-8.120(5).

(D) *Locator wire.* For locator wire follow the provisions in 10 CSR 20-8.125(5)(A)5.

*AUTHORITY:* section 644.026, RSMo [Supp. 1988] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition

to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [john.rustige@dnr.mo.gov](mailto:john.rustige@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.140 [Sewage] Wastewater Treatment [Works] Facilities.** The Clean Water Commission is changing sections (1) through (8) and added section (9).

**PURPOSE:** This amendment will retain and add minimum design standards for wastewater treatment facilities that are required to protect or improve public health, safety, and water quality.

**PURPOSE:** [The following criteria have been prepared as a guide for the general design requirements for sewage treatment works. This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.] This rule contains the minimum standards for the design of systems that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all possible aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

[(1) **Definitions.** Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for

deviation from the requirements. Other terms, such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.

(2) **Exceptions.** This rule shall not apply to facilities designed for twenty-two thousand five hundred gallons per day (22,500 gpd) (85.4 m<sup>3</sup>) or less (see 10 CSR 20-8.020 for the requirements for those facilities).

(3) **Plant Location.** The following items shall be considered when selecting a plant site: proximity to residential areas; direction of prevailing winds; accessibility by all-weather roads; area available for expansion; local zoning requirements; local soil characteristics, geology, hydrology and topography available to minimize pumping; access to receiving stream; downstream uses of the receiving stream and compatibility of treatment process with the present and planned future land use, including noise, potential odors, air quality and anticipated sludge processing and disposal techniques. Where a site must be used which is critical with respect to these items, appropriate measures shall be taken to minimize adverse impacts.

(A) **Flood Protection.** The treatment works structures, electrical and mechanical equipment shall be protected from physical damage by the one hundred (100)-year flood. Treatment works should remain fully operational and accessible during the twenty-five (25)-year flood. This applies to new construction and to existing facilities undergoing major modification.]

(1) **Applicability.** Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

(2) **General.**

(A) **Location.** Criteria to be considered when selecting a site are listed in 10 CSR 20-8.110(5)(E)6.

(B) **Flood Protection.** Flood protection shall apply to new construction and to existing facilities undergoing major modification. The wastewater facility structures, electrical equipment, and mechanical equipment shall be protected from physical damage by not less than the one hundred- (100-) year flood elevation.

(C) **Minimum Separation Distances.**

1. **Potable water sources.** Unless another distance is determined by the Missouri Geological Survey or by the department's Public Drinking Water Branch, the minimum distance between wastewater treatment facilities and all potable water sources shall be at least three hundred feet (300').

2. **Residences.** No treatment unit shall be located closer than the minimum distance provided in Table 140-1 below.

Table 140-1. Minimum Separation Distance.

Type of Facility	Separation Distance
Lagoons	200' to a neighboring residence and 50' to property line
Open recirculating media filters following primary treatment	200' to a neighboring residence
All other discharging facilities	50' to a neighboring residence



(D) **Accessibility.** Facilities shall be readily accessible by authorized personnel from a public right-of-way during all weather conditions.

[(4)](3) **Quality of Effluent.** The [required] degree of wastewater treatment shall be based on 10 CSR 20-7.015, Effluent Regulations, [and] 10 CSR 20-7.031, Water Quality Standards, and/or appropriate federal regulations including the provisions of the operating permit.

**(4) Pump and Haul.**

**(A) General.**

1. **Accessibility.** Conform to subsection (2)(D) of this rule.

2. **Security.** Follow the provisions in subsection (7)(A) of this rule for fencing.

3. **Protection of water supplies.** Provide the separation and crossing of water supplies in accordance with subsection (2)(C) of this rule and 10 CSR 20-8.120(5).

(B) **Septic Tank Design.** Conform to 10 CSR 20-8.180(2) for septic tank design.

(C) **Earthen Basin Design.** Follow the provisions in 10 CSR 20-8.200 for earthen basin design.

(D) **Alarm system.** The alarm shall be activated in cases of high water levels. Follow the provisions in subsection (6)(C) of this rule for alarm systems.

[(5) **Design.**

(A) **Type of Treatment.** As a minimum, the following items shall be considered in the selection of the type of treatment: present and future effluent requirements; location of and local topography of the plant site; space available for future plant construction; the effects of industrial wastes likely to be encountered; ultimate disposal of sludge; system capital costs; system operating and maintenance costs, including basic energy requirements; process complexity governing operating personnel requirements; and environmental impact on present and future adjacent land use.

(B) **Required Engineering Data for New Process Evaluation.** The policy of the agency is to encourage rather than obstruct the development of any methods or equipment for treatment of wastewater. The lack of inclusion in these standards of some types of wastewater treatment processes or equipment should not be construed as precluding their use. The agency may approve other types of wastewater treatment processes and equipment under the following conditions: the operational reliability and effectiveness of the process or device shall have been demonstrated with a suitably-sized prototype unit operating at its design load conditions, to the extent required by the agency; the agency may require monitoring observations, including test results and engineering evaluations, demonstrating the efficiency of the processes, detailed description of the test methods; testing, including appropriately-composited samples, under various ranges of strength and flow rates (including diurnal) and waste temperature over a sufficient length of time to demonstrate performance under climatic and other conditions which may be encountered in the area of the proposed installations and other appropriate information; the agency may require that appropriate testing be conducted and evaluations be made under the supervision of a competent process engineer other than those employed by the manufacturer or developer.

(C) **Design Loads.**

1. **Hydraulic design.**

A. **New systems.**

(I) **Undeveloped areas.** The design for sewage treatment plants to serve new sewerage systems being built in currently undeveloped areas shall be based on an average

daily flow of one hundred (100) gallons per capita (378 l/cap), unless water use data or other justification upon which to better estimate flow is provided.

(II) **Existing developed areas.** Consideration shall be given in the designs for sewage treatment plants to serve a new sewerage system for a municipality or sewer district for higher flow rates if a large percentage of older buildings are likely to contribute significant infiltration/inflow to the new sanitary sewer system through basement floor drains.

B. **Existing systems.** Where there is an existing system, the volume and strength of existing flows shall be determined. The determination shall include both dry weather and wet weather conditions. Samples shall be taken and composited so as to be accurately representative of the strength of the wastewater. At least one (1) year's flow data should be taken as the basis for the preparation of hydrographs for analysis to determine the following types of flow conditions of the system: the annual average daily flow—as determined by averaging flows over one (1) year, exclusive of inflow due to rainfall; the minimum daily flow—as determined by observing twenty-four (24)-hour flows during dry weather (low rainfall period) when infiltration/inflow are at a minimum; wet weather peak flows—as determined by observing twenty-four (24)-hour flows during a period of one (1) year when infiltration/inflow are at a maximum; wet weather flows of seven (7)-day duration—as determined by observing for a period of one (1) year the daily flows during the immediate seven (7)-day period following rainfall sufficient to cause ground surface runoff; peak hourly flows—as determined by observing the maximum hydraulic load to the plant; and industrial waste flows—as determined by flow data, including water use records, for each of the industries tributary to the sewer system. The plant design flow selected shall meet the appropriate effluent and water quality standards in 10 CSR 20-7.015 and 10 CSR 20-7.031.

C. **Flow equalization.** Facilities for the equalization of flows and organic shock load shall be considered at all plants which are critically affected by surge loadings. The sizing of the flow equalization facilities should be based on data obtained from paragraph (5)(C)1. of this rule and 10 CSR 20-8.120(5)(B).

2. **Organic design.**

A. **New system minimum design.** Domestic waste treatment design shall be on the basis of at least 0.17 pounds (0.08 kg) of biochemical oxygen demand (BOD) per capita per day and 0.20 pounds (0.09 kg) of suspended solids per capita per day, unless information is submitted to justify alternate designs; when garbage grinders are used in areas tributary to a domestic treatment plant, the design basis should be increased to 0.22 pounds (0.10 kg) of BOD per capita per day and 0.25 pounds (0.11 kg) of suspended solids per capita per day; domestic waste treatment plants that will receive industrial wastewater flows shall be designed to include these industrial waste loads.

B. **Existing systems.** When an existing treatment works is to be upgraded or expanded, the organic design shall be based upon the actual strength of the wastewater as determined from the measurements taken in accordance with subparagraph (5)(C)1.B. of this rule, with an appropriate increment for growth.

3. **Shock effects.** The shock effects of high concentrations and diurnal peaks for short periods of time on the treatment process, particularly for small treatment plants, shall be considered.

4. **Design by analogy.** Data from similar municipalities may be utilized in the case of new systems; however, thorough investigation that is adequately documented shall be provided to the agency to establish the reliability and applic-

ability of the data.

(D) **Conduits.** All piping and channels should be designed to carry the maximum expected flows. The incoming sewer should be designed for unrestricted flow. Bottom corners of the channels must be filleted. Conduits shall be designed to avoid creation of pockets and corners where solids can accumulate. Suitable gates should be placed in the channels to seal off unused sections which might accumulate solids. The use of shear gates or stop planks is permitted where they can be used in place of gate valves or sluice gates. Noncorrosive materials shall be used for these control gates.

(E) **Arrangement of Units.** Component parts of the plant should be arranged for greatest operating and maintenance convenience, flexibility, economy, continuity of maximum effluent quality so as to facilitate installation of future units.

(F) **Flow Division Control.** Flow division control facilities shall be provided as necessary to insure organic and hydraulic loading control to plant process units and shall be designed for easy operator access, change, observation and maintenance. Appropriate flow measurement shall be incorporated in the flow division control design.

#### (6) Plant Details.

(A) **Installation of Mechanical Equipment.** The specifications should be so written that the installation and initial operation of major items of mechanical equipment will be supervised by a representative of the manufacturer.

(B) **Unit Isolation.** Properly located and arranged structures and piping shall be provided so that each unit of the plant can be removed from service independently. The design shall facilitate plant operation during unit maintenance and emergency repair so as to minimize deterioration of effluent quality and insure rapid process recovery upon return to normal operational mode.

1. **Continuity during construction.** Final plan documents shall include construction requirements as deemed necessary by the agency to avoid unacceptable temporary water quality degradation.

(C) **Drains.** Means shall be provided to de-water each unit to an appropriate point in the process. Due consideration shall be given to the possible need for hydrostatic pressure relief devices to prevent flotation of structures. Pipes subject to clogging shall be provided with means for mechanical cleaning or flushing.

(D) **Construction Materials.** Due consideration should be given to the selection of materials which are to be used in sewage treatment works because of the possible presence of hydrogen sulfide and other corrosive gases, greases, oils or similar constituents frequently present in sewage. This is particularly important in the selection of metals and paints. Contact between dissimilar metals should be avoided to minimize galvanic action.

(E) **Painting.** The use of paints containing lead or mercury should be avoided. In order to facilitate identification of piping, particularly in the large plants, it is suggested that different lines be color coded. The following color scheme is recommended for purposes of standardization: sludge line - brown; gas line - orange; potable water line - blue; chlorine line - yellow; sewage line - gray; compressed air line - green; and water lines for heating digesters or buildings - blue with a six inch (6") (15 cm) red band spaced thirty inches (30") (76 cm) apart. The contents shall be stenciled on the piping in contrasting color.

(F) **Operating Equipment.** A complete outfit of tools, accessories, and spare parts necessary for the plant operator's use shall be provided. Readily accessible storage space and workbench facilities shall be provided and consideration be given to provision of a garage storage area for large equipment, maintenance and repair.

(G) **Erosion Control During Construction.** Effective site erosion control shall be provided during construction.

(H) **Grading and Landscaping.** Upon completion of the plant, the ground should be graded. Concrete or gravel walkways should be provided for access to all units. Where possible, steep slopes should be avoided to prevent erosion. Surface water shall not be permitted to drain into any unit. Particular care shall be taken to protect trickling filter beds, sludge beds, and intermittent sand filters from stormwater runoff. Provision should be made for landscaping, particularly when a plant must be located near residential areas.]

#### (5) Design.

(A) **Type of Treatment.** Items to be considered in selection of the appropriate type of treatment are presented in 10 CSR 20-8.110(5).

(B) **New and Innovative Technology.** Follow the provisions in 10 CSR 20-8.110(6).

(C) **Design Period.** Identify the design period in the facility plan per 10 CSR 20-8.110(5)(B).

(D) **Design Loads.**

##### 1. Hydraulic design.

A. Identify flow conditions critical to the design of the wastewater treatment facility as described in 10 CSR 20-8.110(3).

B. The design peak hourly flows shall be used to evaluate the effect of hydraulic peaks on unit processes, pumping, piping, etc.

C. The design of treatment units that are not subject to peak hourly flow requirements shall be based on the design average flow.

2. **Organic design.** Base organic loadings for wastewater treatment facility design on the information given in 10 CSR 20-8.110(3). When septage is accepted at a wastewater treatment facility, the effects of septage flow shall be evaluated in the design.

#### [(7)](6) [Plant] Outfalls.

[(A) **Entrance Impact Control.** The outfall sewer shall be designed to discharge to the receiving stream in a manner acceptable to the agency. Consideration should be given in each case to the following: preference for free fall or submerged discharge at the site selected; utilization of cascade aeration of effluent discharge to increase dissolved oxygen; limited or complete across stream dispersion as needed to protect aquatic life movement and growth in the immediate reaches of the receiving stream; appropriate effluent sampling in accordance with subsection (7)(C) of this rule.]

[(B)](A) **Protection and Maintenance.** The outfall [sewer] shall be so constructed and protected against the effects of flood water, ice, or other hazards as to reasonably [insure] ensure its structural stability and freedom from stoppage. [A manhole should be provided at the shore end of all gravity sewers extending into the receiving waters. Hazards to navigation shall be considered in designing outfall sewers.]

[(C)](B) **Sampling Provisions.** All [outfalls] sampling points shall be designed so that a representative and discrete twenty-four (24) hour automatic composite sample or grab sample of the effluent discharge can be obtained at a point after the final treatment process and before discharge to or mixing with the receiving waters.

(C) All outfalls shall be posted with a permanent sign indicating the outfall number (i.e., Outfall #001).

#### [(8) Essential Facilities.

(A) **Emergency Power Facilities.** All plants shall be provided with an alternate source of electric power to allow continuity of operation during power failures, except as noted in this subsection. Methods of providing alternates include the connection of at least two (2) independent public utility sources, such as substations; a power line from each substation is

recommended and will be required unless, documentation is received and approved by the agency verifying that duplicate line is not necessary to minimize water quality violations; portable or in-place internal combustion engine equipment which will generate electrical or mechanical energy; and portable pumping equipment when only emergency pumping is required.

1. Standby generating capacity normally is not required for aeration equipment used in the activated sludge process. In cases where a history of long-term (four (4) hours or more) power outages have occurred, auxiliary power for minimum aeration of the activated sludge will be required. Full power generating capacity may be required by the agency on certain stream segments.

2. Continuous disinfection, where required, shall be provided during all power outages.

**(B) Water Supply.**

1. General. An adequate supply of potable water under pressure should be provided for use in the laboratory and for general cleanliness around the plant. No piping or other connections shall exist in any part of the treatment works which, under any conditions, might cause the contamination of a potable water supply. The chemical quality should be checked for suitability for its intended uses, such as heat exchangers, chlorinators, etc.

2. Direct connections. Potable water from a municipal or separate supply may be used directly at points above grade for the following hot and cold supplies: lavatory; water closet; laboratory sink (with vacuum breaker); shower; drinking fountain; eye wash fountain; and safety shower. Hot water for any of these units shall not be taken directly from a boiler used for supplying hot water to a sludge heat exchanger or digester heating coils.

3. Indirect connections. A reduced pressure backflow preventer or a break tank shall be used to isolate the potable system from all other plant uses other than those listed in paragraph (8)(B)2. of this rule. Where permanent connections are to be made to uses other than those listed in paragraph (8)(B)2. of this rule, a break tank shall be used. Where a break tank is used, water shall be discharged to the break tank through an air-gap at least six inches (6") above the maximum flood line, ground level or the spill line of the tank, whichever is higher. Backflow preventers shall be located above the maximum flood line or ground level. A sign shall be permanently posted at every hose bib, faucet, hydrant or sill cock located on the water system beyond the break tank or backflow preventer to indicate that the water is not safe for drinking.

4. Separate potable water supply. Where it is not possible to provide potable water from a public water supply, a separate well may be provided. Location and construction of the well should comply with requirements of 10 CSR 60-2.010. Requirements governing the use of the supply are those contained in paragraphs (8)(B)2. and 3. of this rule.

5. Separate non potable water supply. Where a separate non potable water supply is to be provided, a break tank will not be necessary, but all system outlets shall be posted with a permanent sign indicating the water is not safe for drinking.

**(C) Sanitary Facilities.** Toilet, shower, lavatory and locker facilities should be provided in sufficient numbers and convenient locations to serve the expected plant personnel.

**(D) Laboratory.** All treatment works shall include a laboratory for making the necessary analytical determinations and operating control tests, except in individual situations where other arrangements are approved by the agency. The laboratory shall have sufficient size, bench space, equipment and supplies to perform all self-monitoring analytical work

required by discharge permits and to perform the process control tests necessary for good management of each treatment process included in the design. The facilities and supplies necessary to perform analytical work to support industrial waste control programs will normally be included in the same laboratory. The laboratory size and arrangement must be sufficiently flexible and adaptable to accomplish these assignments. The layout should consider future needs for expansion in the event that more analytical work is needed.

1. Location and space. The laboratory should be located on ground level, easily accessible to all sampling points, with environmental control as an important consideration. It shall be located away from vibrating machinery or equipment which might have adverse effects on the performance of laboratory instruments or the analyst or design or to prevent adverse effects from vibration. A minimum of four hundred (400) square feet (37m<sup>2</sup>) of floor space should be allocated for the laboratory. If more than two (2) persons will be working in the laboratory at any given time, one hundred (100) square feet (9.3m<sup>2</sup>) of additional space should be provided for each additional person. Bench top working surface should occupy at least thirty-five percent (35%) of the total floor space. Minimum ceiling height should be eight feet six inches (8'6") (2 m). If possible this height should be increased to provide for installation of wall-mounted water stills, distillation racks and other equipment with extended height requirements.

**2. Materials.**

A. Ceilings. Acoustical tile should be used for ceiling except in high humidity areas where they should be constructed of plaster.

B. Walls. For easy maintenance and a pleasant working environment, light colored ceramic tile should be used from floor to ceiling for all interior walls.

C. Floors. Floor surfaces should be either vinyl asbestos or rubber, fire-resistant and highly resistant to acids, alkalies, solvents and salts.

D. Doors. Two (2) exit doors should be located to permit a straight egress from the laboratory preferably at least one (1) to outside the building. Panic hardware should be used. They should have large glass windows for easy visibility of approaching or departing personnel. Automatic door closers should be installed; swinging doors should not be used. Flush hardware should be provided doors if cart traffic is anticipated. Kick plates are also recommended.

3. Cabinets and bench tops. Wall hung cabinets are useful for dust-free storage of instruments and glassware. Units with sliding doors are preferable. They should be hung so the top shelf is easily accessible to the analyst. Thirty inches (30") (76 cm) from the bench top is recommended. One (1) or more cupboard style base cabinets should be provided for storing large items; however, drawer units are preferred for the remaining cabinets. Drawers should slide out so that entire contents are easily visible. They should be provided with rubber bumpers and with stops which prevent accidental removal. Drawers should be supported on ball bearings or nylon rollers which pull easily in adjustable steel channels. All metal drawer fronts should be of double wall construction. All cabinet shelving should be acid resistant and adjustable from inside the cabinet. Water, gas, air and vacuum service fixtures; traps, strainers, overflows, plugs and tailpieces; and all electrical service fixtures shall be supplied with the laboratory furniture. Generally, bench top height should be thirty-six inches (36") (91 cm). However, areas to be used exclusively for sit-down type operations should be thirty inches (30") (76 cm) high and include knee hole space. One-inch (1") (2.54 cm) overhangs and drip grooves should be provided to keep liquid spills from running along

the face of the cabinet. Tops should be furnished in large sections one and one-fourth inches (1 1/4") (3.18 cm) thick. They should be field joined into a continuous surface with acid, alkali and solvent resistant cements which are at least as strong as the material of which the top is made.

4. Hoods. Fume hoods to promote safety and canopy hoods over heat releasing equipment shall be installed.

A. Fume hoods.

(I) Location. Fume hoods should be located where air disturbance at the face of the hood is minimal. Air disturbance may be created by persons walking past the hood, supply in diffusers, drafts from opening or closing a door, etc. Safety factors should be considered in locating a hood. If a hood is situated near a doorway, a secondary means of egress must be provided. Bench surfaces should be available next to the hood so that chemicals need not be carried long distances.

(II) Design and materials. The selection of fume hoods, their design and materials of construction must be made considering the variety of analytical work to be performed and the characteristics of the fumes, chemicals, gases or vapors that will or may be released by the activities therein. Special design and construction is necessary if perchloric acid use is anticipated. Consideration should be given for providing more than one (1) fume hood to minimize potential hazardous conditions throughout the laboratory. Fume hoods are not appropriate for operation of heat releasing equipment, that does not contribute to hazards, unless they are provided in addition to those needed to perform hazardous tasks.

(III) Fixtures. A cup sink should be provided inside each fume hood. All switches, electrical outlets, utility and baffle adjustment handles should be located outside the hood. Light fixtures should be explosion proof.

(IV) Exhaust. Twenty-four (24)-hour continuous exhaust capability should be provided. Exhaust fans should be explosion proof. Exhaust velocities should be checked when fume hoods are installed.

(V) Alarms. A buzzer for indicating exhaust fan failure and a static pressure gauge should be placed in the exhaust duct. A high temperature sensing device located inside the hood should be connected to the buzzer.

(VI) Canopy hoods. Canopy hoods should be installed over the bench top areas where hot plate, steam bath or other heating equipment or heat releasing instruments are used. The canopies should be constructed of steel, plastic or equivalent material and finished with enamel to blend with other laboratory furnishings.

5. Sinks. The laboratory shall be equipped with at least one (1) double-wall sink with drainboards. Additional sinks should be provided in separate work areas as needed and identified for the use intended. Sinks should be made of epoxy resin or plastic material with all appropriate characteristics for laboratory applications. Waste openings should be located toward the back so that a standing overflow will not interfere. All water fixtures on which hoses may be used should be provided with reduced zone pressure backflow preventers to prevent contamination of water lines. The sinks should be constructed of material highly resistant to acids, alkalies, solvents and salts, should be abrasion and heat resistant, nonabsorbent and light in weight. Traps should be made of glass, plastic or lead and easily accessible for cleaning.

6. Ventilation and lighting. Laboratories should be separately air conditioned with external air supply for one hundred percent (100%) makeup volume. In addition, separate exhaust ventilation should be provided. Ventilation outlet locations should be remote from ventilation inlets. Good

lighting, free from shadows, is important for reading dials, meniscuses, etc., in the laboratory.

7. Gas and vacuum. Natural gas should be supplied to the laboratory. Digester gas should not be used. An adequately sized line source of vacuum should be provided with outlets available throughout the laboratory.

8. Balance and table. An analytical balance of the automatic, digital readout, single pan 0.1 milligram sensitivity type shall be provided. A heavy special design balance table which will minimize vibration of the balance shall be provided. It shall be located as remote as possible from windows, doors or other sources of drafts or air movements, so as to minimize undesirable impacts from these sources upon the balance.

9. Equipment, supplies and reagents. The laboratory shall be provided with all of the equipment, supplies and reagents that are needed to carry out all of the facility's analytical testing requirements. Discharge permit requirements, process control requirements and industrial waste monitoring requirements should be considered when specifying equipment needs.

(E) Floor Slope. Floor surfaces shall be sloped adequately to a point of drainage.

(F) Stairways. Stairways shall be installed wherever possible in lieu of ladders. Spiral or winding stairs are permitted only for secondary access where dual means of egress are provided. Stairways shall have slopes between fifty degrees (50°) and thirty degrees (30°) (preferably nearer the latter) from the horizontal to facilitate carrying samples, tools, etc. Each tread and riser shall be of uniform dimension in each flight. Minimum tread run shall not be less than eight inches (8) (20.3 cm). The sum of the tread run and riser shall not be less than seventeen inches (17") (43 cm) nor more than eighteen inches (18") (46 cm). A flight of stairs shall consist of not more than a twelve-foot (12') (3.7 m) continuous rise without a platform.

(G) Flow Measurement. Flow measurement facilities shall be provided at all plants. Indicating, totalizing and recording flow measurement devices shall be provided for all mechanical plants. Flow measurement facilities for lagoon systems shall not be less than pump calibration time clocks or calibrated flume and shall be provided on both the influent and effluent.]

(7) Essential Facilities.

(A) Emergency Power Facilities.

1. General. All wastewater treatment facilities shall be provided with an alternate source of electric power or pumping capability to allow continuity of operation during power failures.

2. Power for disinfection. Disinfection and dechlorination, when used, shall be provided during all power outages.

(B) Electrical Controls. Electrical systems and components in raw wastewater or in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors that are normally present, shall comply with the NFPA 70 *National Electric Code (NEC)* (2017 Edition), as approved and published August 24, 2016, requirements for Class I, Division 1, Group D locations. This standard is incorporated by reference in this rule, as published by National Fire Protection Association® (NFPA), 1 Batterymarch Park, Quincy, MA 02169-7471. This rule does not incorporate any subsequent amendments or additions.

(C) Alarm Systems. An audiovisual alarm or a more advanced alert system, with a self-contained power supply, capable of monitoring the condition of equipment whose failure could result in a violation of the operating permit, shall be provided for all wastewater treatment facilities.

(D) Water Supply.

1. General. No piping or other connections shall exist in any

part of the wastewater treatment facility that might cause the contamination of a potable water supply.

2. Direct hot water connections. Hot water for any direct connections shall not be taken directly from a boiler used for supplying hot water to a digester heating unit or heat exchanger.

3. Indirect connections.

A. Where a potable water supply is to be used for any purpose in a wastewater treatment facility other than direct connections, a break tank, pressure pump, and pressure tank or a reduced pressure backflow preventer consistent with the department's Public Drinking Water Branch shall be provided.

B. A sign shall be permanently posted at every hose bib, faucet, hydrant, or sill cock located on the water system beyond the break tank or backflow preventer to indicate that the water is not safe for drinking.

4. Separate non-potable water supply. Where a separate non-potable water supply is to be provided, a break tank will not be necessary, but all system outlets shall be posted with a permanent sign indicating the water is not safe for drinking.

(E) Flow Measurement. A means of flow measurement shall be provided at all wastewater treatment facilities.

(F) Sampling Equipment. Effluent twenty-four (24) hour composite automatic sampling equipment shall be provided at all mechanical wastewater treatment facilities and at other facilities where necessary under provisions of the operating permit. See 10 CSR 20-7.015.

(G) Housed Facilities. Where wastewater treatment units are in a housed facility, follow the provisions in subsection (7)(J) of this rule for ventilation.

[(9)](8) Safety. Adequate provisions shall be made to effectively protect *[the operator]* facility personnel and visitors from hazards~~[/].~~ *[t]*The following shall be provided to fulfill the particular needs of each *[plant]* wastewater treatment facility:

(A) Fencing. *[enclosure of]* Enclose the *[plant]* facility site with a fence designed to discourage the entrance of unauthorized persons and animals~~;~~ *[installation of hand rails and guards around tanks, trenches, pits, stairwells and other hazardous structures];*

(B) Gratings over appropriate areas of treatment units where access for maintenance is necessary;

(C) *[provision of f]*First-*[aid]* aid equipment;

(D) *[posting of]* Posted "No Smoking" signs in hazardous areas;

(E) *[provision of]* Appropriate personal protective *[clothing and]* equipment *[such as air pacs, goggles, gloves, hard hats, safety harnesses, etc.]* (PPE);

(F) *[provision of p]*Portable blower and *[sufficient]* hose sufficient to ventilate accessed confined spaces;

(G) *[p]*Portable lighting equipment *[approved by the United States Bureau of Mines]* complying with NEC requirements. See subsection (6)(B) of this rule; *[and]*

(H) Gas detectors listed and labeled for use in NEC Class I, Division 1, Group D locations. See subsection (6)(B) of this rule;

(I) *[a]*Appropriately-placed warning signs for slippery areas, non-potable water fixtures (see subparagraph (6)(D)3.B. of this rule), low head clearance areas, open service manholes, hazardous chemical storage areas, flammable fuel storage areas, high noise areas, etc.;

(J) Ventilation. Ventilation shall include the following:

1. Isolate all pumping stations and wastewater treatment components installed in a building where other equipment or offices are located from the rest of the building by an air-tight partition, provide separate outside entrances, and provide separate and independent fresh air supply;

2. Force fresh air into enclosed screening device areas or open pits more than four feet (4') deep. Also see 10 CSR 20-8.130(3)(F);

3. Dampers. Dampers are not to be used on exhaust or fresh

air ducts. Avoid the use of fine screens or other obstructions on exhaust or fresh air ducts to prevent clogging;

4. Continuous ventilation. Where continuous ventilation is needed (e.g., housed facilities), provide at least twelve (12) complete air changes per hour. Where continuous ventilation would cause excessive heat loss, provide intermittent ventilation of at least thirty (30) complete air changes per hour when facility personnel enter the area. Base air change demands on one hundred percent (100%) fresh air;

5. Electrical controls. Mark and conveniently locate switches for operation of ventilation equipment outside of the wet well or building. Interconnect all intermittently operated ventilation equipment with the respective wet well, dry well, or building lighting system. The manual lighting/ventilation switch is expected to override the automatic controls. For a two (2) speed ventilation system with automatic switch over where gas detection equipment is installed, increase the ventilation rate automatically in response to the detection of hazardous concentrations of gases or vapors; and

6. Fans, heating, and dehumidification. Fabricate the fan wheel from non-sparking material. Provide automatic heating and dehumidification equipment in all dry wells and buildings. Follow the provisions in subsection (6)(B) of this rule for electrical controls;

(K) Explosion-proof electrical equipment, non-sparking tools, gas detectors, and similar devices, in work areas where hazardous conditions may exist, such as digester vaults and other locations where potentially explosive atmospheres of flammable gas or vapor with air may accumulate. See subsection (6)(B) of this rule;

(L) Provisions for local lockout/tagout on stop motor controls and other devices;

(M) Provisions for an arc flash hazard analysis and determination of the flash protection boundary distance and type of PPE to reduce exposure to major electrical hazards in accordance with NFPA 70E *Standard for Electrical Safety in the Workplace* (2018 Edition), as approved and published August 21, 2017. This standard is incorporated by reference in this rule, as published by National Fire Protection Association®, 1 Batterymarch Park, Quincy, MA 02169-7471. This rule does not incorporate any subsequent amendments or additions.

## (9) Chemical Handling.

(A) *[Hazardous Chemical Handling]* General.

1. Containment materials. The materials utilized for storage, piping, valves, pumping, metering, and splash guards, etc., shall be specially selected considering the physical and chemical characteristics of each hazardous or corrosive chemical.

*[2. Secondary containment. Chemical storage areas shall be enclosed in dikes or curbs which will contain the stored volume until it can be safely transferred to alternate storage or released to the wastewater at controlled rates which will not damage the facilities, inhibit the treatment processes, or contribute to stream pollution. Liquid polymer should be similarly contained to reduce areas with slippery floors, especially to protect travelways. Non slip floor surfaces are desirable in polymer-handling areas.]*

2. Secondary containment. Secondary containment storage areas contain the stored volume until it can be safely transferred to alternate storage or released to the wastewater treatment plant at controlled rates that will not damage the facilities, inhibit the treatment processes, or contribute to stream pollution. Secondary containment shall be designed as follows:

A. A minimum volume of one hundred twenty-five percent (125%) of the volume of the largest storage container located within the containment area plus the space occupied by any other tanks located within the containment area when not protected from precipitation;

**B. A minimum volume of one hundred ten percent (110%) of the volume of the largest storage container located within the containment area plus the space occupied by any other tanks located within the containment area when protected from precipitation; and**

**C. Walls and floors of the secondary containment structure constructed of suitable material that is compatible with the specifications of the product being stored.**

*[3. Eye wash fountains and safety showers. Eye wash fountains and safety showers utilizing potable water shall be provided in the laboratory and on each floor level or work location involving hazardous or corrosive chemical storage, mixing (or slaking), pumping, metering, or transportation unloading. These facilities are to be as close as practicable to possible chemical exposure sites and are to be fully useful during all weather conditions. The eye wash fountains shall be supplied with water of moderate temperature— fifty degrees to ninety degrees Fahrenheit (50°–90 °F) (ten degrees to thirty-two degrees Celsius (10°–32 °C)), separate from the hot water supply, suitable to provide fifteen to thirty (15–30) minutes of continuous irrigation of the eyes. The emergency showers shall be capable of discharging thirty to fifty gallons per day (30–50 gpm) (1.9–3.2 l/s) of water at moderate temperature at pressures of twenty to fifty pounds per square inch (20–50 psi) (1.41–3.52 kgf/cm<sup>2</sup>). The eye wash fountains and showers shall be no more than twenty-five feet (25') (7.6 m) from points of hazardous chemical exposure.]*

*[4.]3. Splash guards. All pumps or feeders for hazardous or corrosive chemicals shall have guards [which] that will effectively prevent spray of chemicals into space occupied by facility personnel. [The splash guards are in addition to guards to prevent injury from moving or rotating machinery parts.]*

*[5.]4. Piping, labeling, and coupling guard/s, locations.*

**A.** All piping containing or transporting corrosive or hazardous chemicals shall be identified with labels every ten feet (10') [(3.0 m)] and with at least two (2) labels in each room, closet, or pipe chase. *[Color coding may also be used but is not an adequate substitute for labeling.]*

**B.** All connections (flanged or other type), except those adjacent to storage or feeder areas, shall have guards [which] that will direct any leakage away from space occupied by facility personnel. *[Pipes containing hazardous or corrosive chemicals should not be located above shoulder level except where continuous drip collection trays and coupling guards will eliminate spray or dripping onto personnel.]*

*[6. Protective clothing and equipment. The following items of protective clothing or equipment shall be available and utilized for all operations or procedures where their use will minimize injury hazard to personnel: respirators, air supply type recommended for protection against chlorine; chemical workers' goggles or other suitable goggles (safety glasses are insufficient); face masks or shields for use over goggles; rubber gloves, rubber aprons with leg straps; rubber boots (leather and wool clothing should be avoided near caustics); and safety harness and line.]*

*[7.]5. [Warning] Alarm system [and signs]. Facilities shall be provided for automatic shutdown of pumps and sounding of alarms when failure occurs in a pressurized chemical discharge line. [Warning signs requiring use of goggles shall be located near chemical unloading stations, pumps and other points of frequent hazard.]*

*[8.]6. Dust [collection]. Dust collection equipment shall be provided to protect facility personnel from dusts injurious to the lungs or skin and to prevent polymer dust from settling on walkways that become slick when wet. [The latter is to minimize slick floors which result when a polymer-covered floor becomes wet.]*

**(B) Chemical Housing.** The following shall be provided to fulfill the particular needs of each chemical housing facility:

**1.** Provide storage for a minimum of thirty (30) days' supply, unless local suppliers and conditions indicate that such storage can be reduced without limiting the supply;

**2.** Construct the chemical storage room of fire and corrosion resistant material;

**3.** Equip doors with panic hardware. To prevent unauthorized access, doors lock but do not need a key to exit the locked room using the panic hardware;

**4.** Provide chemical storage areas with drains, sumps, finished water plumbing, and the hose bibs and hoses necessary to clean up spills and to wash equipment;

**5.** Construct chemical storage area floors and walls of material that is suitable to the chemicals being stored and that is capable of being cleaned;

**6.** Install floor surfaces to be smooth, chemical resistant, slip resistant, and well drained with three inches per ten feet (3"/10') minimum slope;

**7.** Provide adequate lighting;

**8.** Comply with the NEC recommendation for lighting and electrical equipment based on the chemicals stored. See subsection (6)(B) of this rule;

**9.** Store chemical containers in a cool, dry, and well-ventilated area;

**10.** Design vents from feeders, storage facilities, and equipment exhaust to discharge to the outside atmosphere above grade and remote from air intakes;

**11.** Locate storage area for chemical containers out of direct sunlight;

**12.** Maintain storage temperatures between forty degrees and eighty-six degrees Fahrenheit (40–86 °F);

**13.** Control humidity as necessary when storing dry chemicals;

**14.** Design the storage area with designated areas for "full" and "empty" chemical containers;

**15.** Provide storage rooms housing flammable chemicals with an automatic sprinkler system designed for four tenths gallons per minute per square foot (0.4 gpm/ft<sup>2</sup>) and a minimum duration of twenty (20) minutes;

**16.** Store incompatible chemicals separately to ensure the safety of facility personnel and the wastewater treatment system. Store any two (2) chemicals that can react to form a toxic gas in separate housing facilities;

**17.** Design and isolate areas intended for storage and handling of chlorine and sulfur dioxide and other hazardous gases. Follow the provisions in 10 CSR 20-8.190(3) and 190 CSR 20-8.190(4) for chlorine and dechlorination;

**18.** Design an isolated fireproof storage area and explosion proof electrical outlets, lights, and motors for all powdered activated carbon storage and handling areas in accordance with federal, state, and local requirements;

**19.** Vent acid storage tanks to the outside atmosphere, but not through vents in common with day tanks;

**20.** Keep concentrated acid solutions or dry powder in closed, acid-resistant shipping containers or storage units; and

**21.** Pump concentrated liquid acids in undiluted form from the original container to the point of treatment or to a covered storage tank. Do not handle in open vessels.

**(C) Chemical Handling Design.** The following shall be provided, where applicable, for the design of chemical handling:

**1.** Make provisions for measuring quantities of chemicals used for treatment or to prepare feed solutions over the range of design application rates;

**2.** Select storage tanks, piping, and equipment for liquid chemicals specific to the chemicals;

**3.** Install all liquid chemical mixing and feed installations on corrosion resistant pedestals;

4. Provide sufficient capacity of solution storage or day tanks feeding directly for twenty-four- (24-) hour operation at design average flow;

5. Provide a minimum of two (2) chemical feeders for continuous operability. Provide a standby unit or combination of units of sufficient capacity to replace the largest unit out-of-service;

6. Chemical feeders shall—

A. Be designed with chemical feed equipment to meet the maximum dosage requirements for the design average flow conditions;

B. Be able to supply, at all times, the necessary amounts of chemicals at an accurate rate throughout the range of feed;

C. Provide proportioning of chemical feed to the rate of flow where the flow rate is not constant;

D. Be designed to be readily accessible for servicing, repair, and observation;

E. Protect the entire feeder system against freezing;

F. Be located adjacent to points of application to minimize length of feed lines;

G. Provide for both automatic and manual operation for chemical feed control systems;

H. Utilize automatic chemical dose or residual analyzers, and where provided, include alarms for critical values and recording charts;

I. Provide screens and valves on the chemical feed pump suction lines; and

J. Provide an air break or anti-siphon device where the chemical solution enters the water stream;

7. Dry chemical feed system shall—

A. Be equipped with a dissolver capable of providing a minimum retention period of five (5) minutes at the maximum feed rate;

B. Be equipped with two (2) solution vessels and transfer piping for polyelectrolyte feed installations;

C. Have an eductor funnel or other appropriate arrangement for wetting the polymer during the preparation of the stock feed solution on the make-up tanks;

D. Provide adequate mixing by means of a large diameter, low-speed mixer;

E. Make provisions to measure the dry chemical volumetrically or gravimetrically; and

F. Completely enclose chemicals and prevent emission of dust;

8. Provide for uniform strength of solution consistent with the nature of the chemical solution for solution tank dosing;

9. Use solution feed pumps to feed chemical slurries that are not diaphragm or piston type positive displacement types;

10. Provide continuous agitation to maintain slurries in suspension;

11. Provide a minimum of two (2) flocculation tanks or channels having a combined detention period of twenty to thirty (20 – 30) minutes. Provide independent controls for each tank or channel;

12. Insulate pipelines carrying soda ash at concentrations greater than twenty percent (20%) solution to prevent crystallization; and

13. Do not bag soda ash in a damp or humid place.

(D) Chemical Safety. The following shall be provided in addition to the safety provisions in section (7) of this rule:

1. Appropriate personal protective equipment (PPE).

2. Eye wash fountains and safety showers. Eye wash fountains and safety showers utilizing potable water shall be provided in the laboratory and on each level or work location involving hazardous or corrosive chemical storage, mixing (or slaking), pumping, metering, or transportation unloading. The design of eye wash fountains and safety showers shall include the following:

A. Eye wash fountains with water of moderate temperature, fifty degrees to ninety degrees Fahrenheit (50°–90°F), suit-

able to provide fifteen to thirty (15–30) minutes of continuous irrigation of the eyes;

B. Emergency showers capable of discharging twenty gallons per minute (20 gpm) of water of moderate temperature, fifty degrees to ninety degrees Fahrenheit (50°–90°F), and at pressures of thirty to fifty pounds per square inch (30–50 psi);

C. Eye wash fountains and emergency showers located no more than twenty-five feet (25') from points of hazardous chemical exposure; and

D. Eye wash fountains and showers that are to be fully operable during all weather conditions; and

3. Warning signs. Warning signs requiring use of goggles shall be located near chemical stations, pumps, and other points of frequent hazard.

[9.](E) Chemical Container [i]Identification. The identification and hazard warning data included on shipping containers, when received, shall appear on all containers (regardless of size or type) used to store, carry, or use a hazardous substance. [Sewage and sludge sample containers should be adequately labeled. Following is a suitable label for a sewage sample:]

IRAW SEWAGE

Sample point No.

Contains Harmful Bacteria.

May contain hazardous or toxic material.

Do not drink or swallow.

Avoid contact with openings or breaks in the skin.]

AUTHORITY: section 644.026, RSMo [Supp. 1989] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.150 [Screening, Grit Removal and Flow Equalization] Preliminary Treatment.** The Clean Water Commission is amending sections (1), (2), (3), (4), (5), (6), and removing section (7).

PURPOSE: This amendment will retain and add minimum design standards for preliminary treatment at wastewater treatment facilities that are required to protect or improve public health, safety, and water quality.



**PURPOSE:** *[The following criteria have been prepared as a guide for the design of screening, grit removal and flow equalization facilities. This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.] This rule specifies the minimum standards for the design of preliminary treatment units that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.*

*[(1) Definitions. Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.*

*(2) Exceptions. This rule shall not apply to facilities designed for twenty-two thousand five hundred (22,500) gallons per day (85.4m<sup>3</sup>) or less (see 10 CSR 20-8.020 for the requirements for those facilities).]*

**(1) Applicability.** Wastewater treatment systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement of this rule shall prevail.

**(A)** This rule does not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

**(B)** This rule does not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

**(2) General.** All wastewater treatment facilities must have a screening device, comminutor, or septic tank for the purpose of removing debris and nuisance materials from the influent wastewater.

**(3) Grease Interceptors.** Grease interceptors shall be provided on kitchen drain lines from institutions, hospitals, hotels, restaurants, schools, bars, cafeterias, clubs, and other establishments from which relatively large amounts of grease may be discharged to a wastewater treatment facility owned by the grease producing entity. Grease interceptors are typically constructed from fiber-

glass reinforced polyester, high density polyethylene (HDPE), or concrete. For corrugated HDPE grease interceptors, follow ASTM F2649 – 14 *Standard Specification for Corrugated High Density Polyethylene (HDPE) Grease Interceptor Tanks*, as approved and published September 1, 2014. For precast concrete grease interceptor tanks, follow ASTM C1613 – 17 *Standard Specification for Precast Concrete Grease Interceptor Tanks*, as approved and published September 1, 2017. These standards are hereby incorporated by reference into this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

**[(3)](4) Screening Devices.**

**(A) General.**

**1.** Freeze protection. Mechanically cleaned screening devices and screening storage areas shall be protected from freezing.

**2.** Provisions shall be made for isolating or removing screening devices from their location for servicing.

**3. Safety.**

**A. Railings and gratings.**

**(I)** Manually cleaned screen channels shall be protected by guard railings and deck gratings with adequate provisions for removal or opening to facilitate raking.

**(II)** Mechanically cleaned screen channels shall be protected by guard railings and deck gratings. Give consideration to temporary access arrangements to facilitate maintenance and repair.

**B. Mechanical devices.**

**(I)** Mechanical screening equipment shall have adequate removal enclosures to protect facility personnel against accidental contact with moving parts and to prevent dripping in multi-level installations.

**(II)** A positive means of locking out each mechanical device shall be provided.

**(III)** An emergency stop button with an automatic reverse function shall be located in close proximity to the mechanical device.

**C. Electrical Equipment, Fixtures, and Controls.** Electrical equipment, fixtures, and controls in screening area where hazardous gases may accumulate shall meet the requirements of the electrical code referenced in 10 CSR 20-8.140(7)(B).

**[(A)](B) [Bar Racks and] Screens.** Where two (2) or more mechanically cleaned screens are used, the design shall provide for taking the largest unit out-of-service without sacrificing the capability to handle the average design flow. Where only one mechanically cleaned screen is used, it shall be sized to handle the design peak instantaneous flow. Screening devices shall be protected from freezing.

**[1. When required. Protection for pumps and other equipment shall be provided by either coarse bar racks or bar screens. Protection for comminutors should be provided by coarse bar racks.**

**2. Location.**

**A. Indoors.** Screening devices, installed in a building where other equipment or offices are located, should be accessible only through a separate outside entrance.

**B. Outdoors.** Screening devices installed outside shall be protected from freezing.

**C. Access.** Screening areas shall be provided with stairway access, adequate lighting and ventilation and a convenient and adequate means for removing the screenings.

**3. Design and installation.**

**A. Bar spacing.** Clear opening between bars should be no less than one inch (1") (2.54 cm) for manually cleaned screens. Clear openings for mechanically cleaned screens may be as small as five-eighths of an inch (5/8") (1.50 cm). Maximum clear openings should be one and three-fourths

inches (1 3/4") (4.45 cm).

**B. Slope.** Manually cleaned screens, except those for emergency use, should be placed on a slope of thirty to forty-five degrees (35°–45°) on the horizontal.

**C. Velocities.** At normal operating flow conditions, approach velocities should be no less than 1.25 feet per second (38.1 cm/sec), to prevent settling; and no greater than 3.0 fps (91.4 cm/sec) to prevent forcing material through the openings.

**D. Channels.** Dual channels shall be provided and equipped with the necessary gates to isolate flow from any screening unit. Provisions shall also be made to facilitate dewatering each unit. The channel preceding and following the screen shall be shaped to eliminate stranding and settling of solids.

**E. Invert.** The screen channel invert should be three to six inches (3–6") (7.6–15.2 cm) below the invert of the incoming sewer.

**F. Flow distribution.** Entrance channels should be designed to provide equal and uniform distribution of flow to the screens.

**G. Flow measurement.** Flow measurement devices should be selected for reliability and accuracy. The effect of changes in backwater elevations, due to intermittent cleaning of screens, should be considered in locations of flow measurement equipment.

#### 4. Safety.

**A. Railings and gratings.** Manually cleaned screen channels shall be protected by guard railings and deck gratings with adequate provisions for removal or opening to facilitate raking. Mechanically cleaned screen channels shall be protected by guard railings and deck gratings. Consideration should also be given to temporary access arrangements to facilitate maintenance and repair.

**B. Mechanical devices.** Mechanical screening equipment shall have adequate removal enclosures to protect personnel against accidental contact with moving parts and to prevent dripping in multi-level installations. A positive means of locking out each mechanical device shall be provided.

#### 5. Control systems.

**A. Timing devices.** All mechanical units which are operated by timing devices shall be provided with auxiliary controls which will set the cleaning mechanism in operation at a pre-set high water elevation.

**B. Electrical fixtures and controls.** Electrical fixtures and controls in screening areas where hazardous gases may accumulate shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1 location).

**C. Manual override.** Automatic controls shall be supplemented by a manual override.

**6. Disposal of screenings.** Facilities must be provided for removal, handling, storage and disposal of screenings in a sanitary manner. Separate grinding of screenings and return to the sewage flow is unacceptable. Manually cleaned screening facilities should include an accessible platform from which the operator may rake screenings easily and safely. Suitable drainage facilities shall be provided for both the platform and storage areas.

**7. Auxiliary screens.** Where a single mechanically cleaned screen is used, an auxiliary manually cleaned screen shall be provided. Where two (2) or more mechanically cleaned screens are used, the design shall provide for taking any unit out-of-service without sacrificing the capability to handle the peak design flow.]

#### (B) Fine Screens.

**1. General.** Fine screens may be used in lieu of primary sedimentation providing that subsequent treatment units are

designed on the basis of anticipated screen performance. Fine screens should not be considered equivalent to primary sedimentation. Where fine screens are used, additional provisions for the removal of floatable oils and greases shall be considered.

**2. Design.** Tests should be conducted to determine BOD<sub>5</sub> and suspended solids removal efficiencies at the design peak hydraulic and peak organic loadings. A minimum of two (2) fine screens shall be provided; each unit being capable of independent operation. Capacity shall be provided to treat peak design flows with one (1) unit out-of-service. Fine screens shall be preceded by a mechanically cleaned bar screen or other protective device. Comminuting devices shall not be used ahead of fine screens.

**3. Electrical fixtures and controls.** Electrical fixtures and controls in screening areas where hazardous gases may accumulate shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1 location).

**4. Servicing.** Hosing equipment shall be provided to facilitate cleaning. Provisions shall be made for isolating or removing units from their location for servicing.]

**[(4)](5) Comminutors.** Provisions for location and safety shall be in accordance with screening devices, paragraph (4)(A)3. of this rule.

**[(A) General.** Provisions for location shall be in accordance with screening devices, paragraph (3)(A)2. of this rule.

**(B) When Required.** Comminutors shall be used in plants that do not have primary sedimentation or fine screens and should be provided in cases where mechanically cleaned bar screens will not be used.

#### (C) Design Considerations.

**1. Location.** Comminutors should be located downstream of any grit removal equipment.

**2. Size.** Comminutor capacity shall be adequate to handle peak flows.

**3. Installation.** A screened bypass channel shall be provided. The use of the bypass channel should be automatic at depths of flow exceeding the design capacity for the comminutor. Each comminutor that is not preceded by grit removal equipment should be protected by a six inch (6.0") (15.2 cm) deep gravel trap. Gates shall be provided in accordance with subparagraph (3)(A)3.D. of this rule.

**4. Servicing.** Provisions shall be made to facilitate servicing units in place and removing units from their location for servicing.

**5. Electrical controls and motors.** Electrical equipment in comminutor chambers where hazardous gases may accumulate shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1 location). Motors in areas not governed by this requirement may need protection against accidental submergence.]

**[(5)](6) Grit Removal Facilities.** Wastewater treatment facilities using membrane bioreactors for secondary treatment, anaerobic digestion, and facilities receiving wastewater from combined sewers for from sewer systems receiving substantial amounts of grit must have grit removal facilities.

**[(A) When Required.** Grit removal facilities should be provided for all sewage treatment plants; and are required for plants receiving sewage from combined sewers or from sewer systems receiving substantial amounts of grit. If a plant serving a separate sewer system is designed without grit facilities, the design shall include provisions for future installation. Consideration shall be given to possible damaging effects on pumps, comminutors and other preceding equipment and the need for additional storage capacity in

treatment units where grit is likely to accumulate.

(B) Location.

1. General. Grit removal facilities should be located ahead of pumps and comminuting devices. Coarse bar racks should be placed ahead of grit removal facilities.

2. Housed facilities.

A. Ventilation. Uncontaminated air shall be introduced continuously at a rate of twelve (12) air changes per hour or intermittently at a rate of thirty (30) air changes per hour. Odor control facilities may also be warranted.

B. Access. Adequate stairway access to above or below grade facilities shall be provided.

C. Electrical. All electrical work in enclosed grit removal areas where hazardous gases may accumulate shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1 location).

3. Outside facilities. Grit removal facilities located outside shall be protected from freezing.

(C) Type and Number of Units. Plants treating wastes from combined sewers should have at least two (2) mechanically cleaned grit removal units with provisions for bypassing. A single manually cleaned or mechanically cleaned grit chamber with bypass is acceptable for small sewage treatment plants serving separate sanitary sewer systems. Minimum facilities for larger plants serving separate sanitary sewers should be at least one (1) mechanically cleaned unit with a bypass. Facilities other than channel-type are acceptable if provided with adequate and flexible controls for agitation and/or air supply devices and with grit collection and removal equipment.

(D) Design Factors.

1. General. The design effectiveness of a grit removal system shall be commensurate with the requirements of the subsequent process units.

2. Inlet. Inlet turbulence shall be minimized.

3. Velocity and detention. Channel-type chambers shall be designed to control velocities during normal variations in flow as close as possible to one foot (1') per second (30 cm/sec). The detention period shall be based on the size of particle to be removed. All grit removal facilities should be provided with adequate automatic control devices to regulate detention time, agitation or air supply.

4. Grit washing. The need for grit washing should be determined by the method of final grit disposal.

5. Drains. Provisions shall be made for isolating and dewatering each unit.

6. Water. An adequate supply of water under pressure shall be provided for cleanup.

7. Grit handling. Grit removal facilities located in deep pits should be provided with mechanical equipment for hoisting or transporting grit to ground level. Impervious non-slip working surfaces with adequate drainage shall be provided for grit handling areas. Grit transporting facilities shall be provided with protection against freezing and loss of material.

(6) Pre-aeration of sewage to reduce septicity may be required in special cases.

(7) Flow Equalization.

(A) General. Flow equalization can reduce the dry weather variations in organic and hydraulic loadings at any wastewater treatment plant. It should be provided where large diurnal variations are expected.

(B) Location. Equalization basins should be located downstream of pretreatment facilities such as bar screens, comminutors and grit chambers.

(C) Type. Flow equalization can be provided by using separate basins or on-line treatment units such as aeration

tanks. Equalization basins may be designed as either in-line or side-line units. Unused treatment units, such as sedimentation or aeration tanks, may be utilized as equalization basins during the early period of design life.

(D) Size. Equalization basin capacity should be sufficient to effectively reduce expected flow and load variations to the extent deemed to be economically advantageous. With a diurnal flow pattern, the volume required to achieve the desired degree of equalization can be determined from a cumulative flow plot over the representative twenty-four (24)-hour period.

(E) Operation.

1. Mixing. Aeration or mechanical equipment shall be provided to maintain adequate mixing. Corner fillets and hopper bottoms with draw-offs should be provided to alleviate the accumulation of sludge and grit.

2. Aeration. Aeration equipment shall be sufficient to maintain a minimum of 1.0 mg/l of dissolved oxygen in the mixed basin contents at all times. Air supply rates should be a minimum of 1.25 cfm per one thousand gallons (1000 gal) (9 l/min/m<sup>3</sup>) of storage capacity. The air supply should be isolated from other treatment plant aeration requirements to facilitate process aeration control. Standard process aeration supply equipment may be utilized as a source of standby aeration.

3. Controls. Inlets and outlets for all basin compartments shall be suitably equipped with accessible external valves, stop plates, weirs or other devices to permit flow control and the removal of an individual unit from service. Facilities shall also be provided to measure and indicate liquid levels and flow rates.

(F) Electrical. All electrical work in housed equalization basins shall be suitable for hazardous locations (National Electrical Code, Class I, Group D, Division 1 location).

(G) Access. Suitable access shall be provided to facilitate the maintenance of equipment and cleaning.]

**AUTHORITY:** section 644.026, RSMo [Supp. 1988] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.160 Settling.** The Clean Water Commission is amending sections (1) through (6).

**PURPOSE:** This amendment will retain and add minimum design standards for settling processes that are required to protect or improve public health, safety, and water quality.

**PURPOSE:** [The following criteria have been prepared as a guide for the design of settling tanks. This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans, and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.] This rule specifies the minimum standards for the design of settling operations that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

[(1) **Definitions.** Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend, referred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.

(2) **Exceptions.** This rule shall not apply to facilities designed for twenty-two thousand five hundred gallons per day (22,500 gpd) (85.4m<sup>3</sup>) or less (see 10 CSR 20-8.020 for the requirements for those facilities).]

(1) **Applicability.** Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

[(3)](2) **General Considerations.**

(A) **Number of Units.** Multiple settling units capable of independent operation are desirable and shall be provided in all [plants] wastewater treatment facilities where design flows exceed one hundred thousand (100,000) [gpd (379m<sup>3</sup>/d)] gallons per day (gpd). [Plants not having] Wastewater treatment facilities without multiple settling units shall be designed to include other provisions to assure continuity of treatment.

[(B) **Arrangement.** Settling tanks shall be arranged in accordance with subsection 10 CSR 20-8.140(5)(E).]

[(C)](B) **Flow Distribution.** Effective flow [measurement] splitting devices and control appurtenances ([that is, valves,] e.g. gates[, and splitter boxes[, etc.]) shall be provided to permit proper proportioning of flow and solids loading to each settling unit, throughout the expected range of flows.

[(D) **Tank Configuration.** Consideration should be given to the probable flow pattern in the selection of tank size and shape, and inlet and outlet type and location.]

[(4)](3) **Design [Considerations].**

[(A) **Dimensions.** The minimum length of flow from inlet to outlet should be ten feet (10') (3 m) unless special provisions are made to prevent short-circuiting. The sidewater depth for primary clarifiers shall be as shallow as practicable, but not less than seven feet (7') (2.1 m). Clarifiers following the activated sludge process shall have sidewater depths of at least twelve feet (12') (3.7 m) to provide adequate separation zone between the sludge blanket and the overflow weirs. Clarifiers following fixed film reactors shall have sidewater depth of at least seven feet (7') (2.1m).]

(A) **Side Water Depth.** The minimum side water depth shall be as follows in Table 160-1 below:

Table 160-1. Minimum Side Water Depth.

Type of Settling Tank	Minimum Side Water Depth (ft)
Primary (>100,000 gpd)	10
Primary (<100,000 gpd)	7
Final following activated sludge process	12
Final following attached growth biological reactor (>100,000 gpd)	10
Final following activated sludge and attached growth biological reactor (<100,000 gpd)	7

(B) **Surface [Settling Rates [Overflow Rates]].**

[1. **Primary settling tanks.** Surface settling rates for primary tanks should not exceed one thousand (1000) gpd per square foot (41m<sup>3</sup>/m<sup>2</sup>/day) at design average flows or one thousand five hundred (1500) gpd per square foot (61m<sup>3</sup>/m<sup>2</sup>/day) for peak hourly flows. Clarifier sizing shall be calculated for both flow conditions and the larger surface area determined shall be used. Primary settling of normal domestic sewage can be expected to remove thirty to fifty percent (30–50%) of the influent BOD. However, anticipated BOD removal for sewage containing appreciable quantities of industrial wastes (or chemical additions to be used) should be determined by laboratory tests and consideration of the quantity and character of the wastes.

2. **Intermediate settling tanks.** Surface settling rates for intermediate settling tanks following series units of fixed film reactor processes shall not exceed one thousand five hundred (1500) gpd per square foot (61m<sup>3</sup>/m<sup>2</sup>/day) based on peak hourly flow.

3. **Final settling tanks.** Settling tests should be conducted wherever pilot study of biological treatment is warranted by unusual waste characteristics or treatment requirements. Testing shall be done where proposed loadings go beyond the limits set forth in this section. Surface settling rates for settling tanks following trickling filters or rotating biological contractors shall not exceed one thousand two hundred (1200) gpd gallons per day per square foot (49m<sup>3</sup>/m<sup>2</sup>/day) (1,200 gpd/ft<sup>2</sup>) based on the design peak hourly flow. Final settling tanks following activated sludge processes must be designed to meet thickening as well as solids separation requirements. Since the rate of recirculation of return sludge from the final settling tanks to the aeration or re-aeration tanks is quite high in activated sludge processes, surface settling rate and weir overflow rate should be adjusted for

the various processes to minimize the problems with sludge loadings, density currents, inlet hydraulic turbulence and occasional poor sludge settleability. The hydraulic design of intermediate and final settling tanks following activated sludge processes shall be based upon the anticipated peak hourly rate for the area downstream of the inlet baffle. The hydraulic loadings shall not exceed—one thousand two hundred (1200) gpd per square foot ( $49\text{m}^3/\text{m}^2/\text{day}$ ) for conventional, step aeration, contact stabilization and the carbonaceous stage of separate-stage nitrification; one thousand (1000) gpd per square foot ( $41\text{m}^3/\text{m}^2/\text{day}$ ) for extended aeration; and eight hundred (800) gpd per square foot ( $33\text{m}^3/\text{m}^2/\text{day}$ ) for the separate nitrification stage. The solids loading for all activated sludge processes shall not exceed fifty pounds (50 lbs.) solids per day per square foot ( $244\text{ kg}/\text{m}^2/\text{day}$ ) at the peak rate. Consideration should be given to flow equalization.]

**1. Primary settling tanks.** Calculate the surface overflow rates for both design average flow and design peak hourly flow from Table 160-2 below. The larger area shall determine the size of the settling tank.

Table 160-2. Maximum Primary Settling Tank Surface Overflow Rates.

Type of Primary Settling Tank	Surface Overflow Rates <sup>1</sup> :	
	At Design Average Flow (gpd/ft <sup>2</sup> )	At Design Peak Hourly Flow (gpd/ft <sup>2</sup> )
Tanks not receiving waste activated sludge	1,000	3,000
Tanks receiving waste activated sludge	700	1,700

<sup>1</sup> Calculate surface overflow rates with all flows received at the settling tanks.

<sup>2</sup> Final settling tanks – attached growth biological reactors. Surface overflow rates for settling tanks following attached growth biological reactors shall not exceed one thousand two hundred gallons per day per square foot (1,200 gpd/ft<sup>2</sup>) based on the design peak hourly flow.

<sup>3</sup> Final settling tanks – activated sludge. The following design criteria in Table 160-3, included herein, shall not be exceeded:

Table 160-3. Maximum Activated Sludge Final Settling Tank Rates.

Treatment Process	Surface Overflow Rate at Design Peak Hourly Flow <sup>1</sup> (gpd/ft <sup>2</sup> )	Peak Solids Loading Rate <sup>2</sup> (lb/day/ft <sup>2</sup> )
With diurnal flow equalization <sup>3</sup>	1,000	35
Without diurnal flow equalization <sup>3</sup>	150 x Peaking Factor <sup>4</sup>	35
Conventional, Step Aeration, Complete Mix, Contact Stabilization, Carbonaceous Stage of Separate Stage Nitrification	1,200 <sup>5</sup>	40
Extended Aeration Single-Stage Nitrification	1,000	35
Multi-Stage Nitrification	800	35
Activated Sludge with Chemical addition to Mixed Liquor for Phosphorus Removal	900	35

<sup>1</sup> Based on influent flow only.

<sup>2</sup> Calculate the peak solids loading rate based on the design maximum day flow rate plus the design maximum return sludge rate requirement and the design mixed liquor suspended solids under aeration.

<sup>3</sup> Applicable to wastewater treatment facilities with a design average flow of less than one hundred thousand gallons per day (100,000 gpd).

<sup>4</sup> To determine the peaking factor use 10 CSR 20-8.110(3) Equation 110-1.

<sup>5</sup> Wastewater treatment facilities needing to meet twenty milligrams per liter (20 mg/L) suspended solids or less should reduce the surface overflow rate to one thousand gallons per day per square foot (1,000 gpd/ft<sup>2</sup>).

**[(C) Inlet Structures.** Inlets should be designed to dissipate the inlet velocity, to distribute the flow equally, both horizontally and vertically, and to prevent short-circuiting. Channels should be designed to maintain a velocity of at least one foot (1') per second (0.3m/s) at one-half (1/2) the design flow. Corner pockets and dead ends should be eliminated and corner fillets or channeling used where necessary. Provisions shall be made for elimination or removal of floating materials in inlet structures.]

**[(D)](C) Weirs.**

1. General. Overflow weirs shall be **readily** adjustable [for leveling] over the life of the structure to correct for differential settlement of the tank.

2. Location. Overflow weirs shall be located to optimize actual hydraulic detention time, and minimize short-circuiting.

3. Design rates. Weir loadings should not exceed: ten thousand (10,000) gpd per lineal foot ( $124\text{m}^3/\text{m}/\text{day}$ ) for plants designed for average flows of 1.0 mgd ( $3,785\text{m}^3/\text{day}$ ) or less. Higher weir loadings may be used for plants designed for larger average flows but should not exceed fifteen thousand (15,000) gpd per lineal foot ( $186\text{m}^3/\text{m}/\text{day}$ ). If pumping is required, weir loadings should be related to pump delivery rates to avoid short-circuiting.

4. Weir troughs. Weir troughs shall be designed to prevent submergence at maximum design flow and to maintain a velocity of at least one foot (1') per second (0.3m/s) at one-half (1/2) the design flow.]

**2. Design rates.** The following weir loadings in Table 160-4, below, shall not be exceeded:

Table 160-4. Maximum Weir Loading Rates.

Average Wastewater Treatment Facility Capacity (million gallons per day or MGD)	Loading Rate at Design Peak Hourly Flow (gpd/lf)
Less than 0.1	10,000
0.1 through 1.0	20,000
Greater than 1.0	30,000

**[(E)](D) Submerged Surfaces.** [The tops of troughs, beams and similar submerged construction elements shall have a minimum slope of 1.4:1; t/The underside [of] and the tops of troughs, beams, and similar submerged construction elements [should] shall have a minimum slope of one vertical to one horizontal (1:1) to prevent the accumulation of scum and solids.

**[(F) Unit De-watering.** Unit de-watering features shall conform to the provisions outlined in 10 CSR 20-8.140(6). The unit isolation design should also provide for redistribution of the plant flow to the remaining units.]

**[(G)](E) Freeboard.** Walls of settling tanks shall extend at least six inches (6") [(15 cm)] above the surrounding ground surface and shall provide not less than twelve inches (12") [(30 cm)] of freeboard. [Additional freeboard or the use of wind screens is recommended where larger settling tanks are subject to high velocity wind currents that would cause tank surface waves and inhibit effective scum removal.]

**[(I) Sludge and Scum Removal.**

(A) Scum Removal. Effective scum collection, and removal, including baffling, shall be provided for all settling tanks. The unusual characteristics of scum which may adversely affect pumping, piping, sludge handling and disposal should be recognized in design. Provisions may be made for the discharge of scum with the sludge; however, other special provisions for disposal may be necessary.

(B) Sludge Removal. Sludge collection and withdrawal facilities shall be so designed as to assure rapid removal of the sludge. Suction withdrawal should be provided for activated sludge plants designed for reduction of the nitrogenous oxygen demand and is encouraged for those plants designed for carbonaceous oxygen demand reduction.

1. Sludge hopper. The minimum slope of the side walls shall be 1.7:1. Hopper wall surfaces should be made smooth with rounded corners to aid in sludge removal. Hopper bottoms shall have a maximum dimension of two feet (2') (.6m). Extra depth sludge hoppers for sludge thickening are not acceptable.

2. Cross-collectors. Cross-collectors serving one (1) or more settling tanks may be useful in place of multiple sludge

hoppers.

3. *Sludge removal piping.* Each hopper shall have an individually-valved sludge withdrawal line at least six inches (6") (15 cm) in diameter. The static head available for withdrawal of sludge shall be thirty inches (30") (76 cm) or greater as necessary to maintain a three-foot (3') per second (0.9m/s) velocity in the withdrawal pipe. Clearance between the end of the withdrawal line and the hopper walls shall be sufficient to prevent bridging of the sludge. Adequate provisions shall be made for rodding or back-flushing individual pipe runs. Piping shall also be provided to return waste sludge to primary clarifiers.

4. *Sludge removal control.* Sludge wells equipped with telescoping valves or other appropriate equipment shall be provided for viewing, sampling, and controlling the rate of sludge withdrawal. The use of easily maintained sight glass and sampling valves may be appropriate. A means of measuring the sludge removal rate shall be provided. Air lift type of sludge removal will not be approved for removal of primary sludges. Sludge pump motor control system shall include time clocks and valve activators for regulating the duration and sequencing of sludge removal.]

**(4) Sludge Removal.**

(A) **Settling floor.** The minimum slope of the settling floor shall be one vertical to twelve horizontal (1:12).

(B) **Sludge hopper.** The minimum slope of the sludge hopper side walls shall be 1.7 vertical to one horizontal (1.7:1) (i.e., sixty degrees (60°) above the horizontal).

(C) **When used, dual sludge hoppers shall provide a minimum water depth of two feet (2') over the connecting wall that is between hoppers.**

**[(6)](5) Protective and Service Facilities.**

(A) **Operator Protection.** [All settling tanks shall be equipped to enhance safety for operators. These] **Safety** features shall appropriately include machinery covers, life lines, **handrails on all stairways[,] and walkways, [hand rails] and slip[-] resistant surfaces. For additional safety follow the provisions listed in 10 CSR 20-8.140(8).**

(B) **Mechanical Maintenance Access.** The design shall provide for convenient and safe access to routine maintenance items such as gear boxes, scum removal[,] mechanism, [and] baffles, weirs, inlet stilling baffle areas, and effluent channels.

(C) **Electrical Equipment, Fixtures, and Controls.** **For [E]lectrical equipment, fixtures, and controls in enclosed settling basins [shall be suitable for hazardous locations (National Electrical Code for Class I, Group D, Division 1 location)] and scum tanks, where hazardous concentrations of flammable gases or vapors may accumulate, follow the provisions in 10 CSR 20-8.140(6)(B).** The fixtures and controls shall be conveniently located [so as to provide convenient and safe access] and safely accessible for operation and maintenance. [Adequate area lighting shall be provided.]

**AUTHORITY:** section 644.026, RSMo [Supp. 1988] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition

to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.170 [Sludge] Solids Handling and Disposal.** The Clean Water Commission is amending sections (1) through (8), and deleting sections (9) and (10).

**PURPOSE:** This amendment will retain and add minimum design standards for solids handling and disposal at wastewater treatment facilities that are required to protect or improve public health, safety, and water quality.

**PURPOSE:** [The following criteria have been prepared as a guide for the design of sludge handling and disposal facilities. This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.] This rule specifies the minimum standards for the design of solids handling and disposal operations that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

**[(1)] Definitions.** Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.

**(2) Exceptions.** This rule shall not apply to facilities designed for twenty-two thousand five hundred gallons per day

(22,500 gpd) (85.4m<sup>3</sup>) or less (see 10 CSR 20-8.020) for the requirements for those facilities.]

(1) **Applicability.** Wastewater systems shall be designed on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule does not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule does not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

[(3)](2) **General Design Considerations.** [The selection of sludge handling and disposal methods should include the following considerations: energy requirements; efficacy of sludge thickening; complexity of equipment; staffing requirements; toxic effects of heavy metals and other substances on sludge stabilization and disposal; treatment of side-stream flow such as digester and thickener supernatant; a back-up method of sludge handling and disposal; and methods of ultimate sludge disposal.] Systems to which this rule applies shall comply with 10 CSR 20-8.140(7) and (8).

[(4)] **Sludge Thickeners.** As the first step of sludge handling, the need for sludge thickeners to reduce the volume of sludge should be considered. The design of thickeners (gravity, dissolved air flotation, centrifuge and others) should consider the type and concentration of sludge, the sludge stabilization processes, the method of ultimate sludge disposal, chemical needs and the cost of operation. Particular attention should be given to the pumping and piping of the concentrated sludge and possible onset of anaerobic conditions. Sludge should be thickened to at least five percent (5%) solids prior to transmission to digesters.]

(3) **Gravity Sludge Thickeners.** For the minimum side water depth, follow the provisions listed in Table 160-1 in 10 CSR 20-8.160(3)(A).

[(5)](4) **Anaerobic [Sludge] Solids Digestion.**

(A) General.

1. **Multiple units.** Multiple tanks are recommended. Where a single digestion tank is used, an alternate method of sludge processing or emergency storage to maintain continuity of service shall be provided.

2. **Depth.** For those units proposed to serve as supernatant separation tanks, the depth should be sufficient to allow for the formation of a reasonable depth of supernatant liquor. A minimum sidewater depth of twenty feet (20') (6.10 m) is recommended.

3. **Maintenance provisions.** To facilitate draining, cleaning and maintenance, the following features are desirable:

A. **Slope.** The tank bottom should slope to drain toward the withdrawal pipe. For tanks equipped with a suction mechanism for withdrawal of sludge, a bottom slope of one to twelve (1:12) or greater is recommended. Where the sludge is to be removed by gravity alone, one to four (1:4) slope is recommended.

B. **Access manholes.** At least two (2) thirty-six inch (36") (91 cm) diameter access manholes should be provided in the top of the tank in addition to the gas dome. There should be stairways to reach the access manholes. A separate sidewall manhole shall be provided. The opening should be large enough to permit the use of mechanical equipment to remove grit and sand.]

[C.1. **Safety.** [Nonsparking tools, safety lights, rubber-

soled shoes, safety harness, gas] Gas detectors [for inflammable and toxic gases, and at least two (2) self-contained breathing units] shall be provided for emergency use.

2. **Provide an alarm system in accordance with 10 CSR 20-8.140(6)(C) to warn of:**

A. **Any drop of the liquid level below minimum operating elevation; and**

B. **Low pressure in the space above the liquid level.**

(B) [Sludge Inlets and Outlets. Multiple recirculation withdrawal and return points should be provided to enhance flexible operation and effective mixing, unless mixing facilities are incorporated within the digester. The returns, in order to assist in scum breakup, should discharge above the liquid level and be located near the center of the tank. Raw sludge discharge to the digester should be through the sludge heater and recirculation return piping or directly to the tank if internal mixing facilities are provided. Sludge withdrawal to disposal should be from the bottom of the tank. This pipe should be interconnected with the recirculation piping to increase versatility in mixing the tank contents, if the piping is provided. Sludge withdrawal should be at the bottom of the tank.] **High Level Emergency Overflow.** An unvalved vented overflow shall be provided to prevent damage to the digestion tank and cover in case of accidental overfilling. Pipe this emergency overflow back to the treatment process or side stream treatment facility.

[(C)] **Tank Capacity.** The total digestion tank capacity should be determined by rational calculations based upon such factors as volume of sludge added, its percent solids and character, the temperature to be maintained in the digesters, the degree or extent of mixing to be obtained and the degree of volatile solids reduction required. Calculations should be submitted to justify the basis of design. When the calculations are not based on these factors, the minimum combined digestion tank capacity outlined in paragraphs (5)(C)1. and 2. will be required. The requirements assume that a raw sludge is derived from ordinary domestic wastewater, that a digestion temperature is to be maintained in the range of ninety degrees to one hundred degrees Fahrenheit (90°–100 °F) (32.2 °C–37.8 °C), that forty to fifty percent (40–50%) volatile matter will be maintained in the digested sludge, and that the digested sludge will be removed frequently from the system (see also paragraph (5)(A)1. of this rule).

1. **Completely-mixed systems.** Completely-mixed systems shall provide for intimate and effective mixing to prevent stratification and to assure homogeneity of digester content. The system may be loaded at a rate up to eighty pounds (80 lbs.) of volatile solids per one thousand (1000) cubic feet of volume per day (1.28 kg/m<sup>3</sup>/day) in the active digestion units. When grit removal facilities are not provided, the reduction of digester volume due to grit accumulation should be considered. Complete mixing can be accomplished only with substantial energy input.

2. **Moderately-mixed systems.** For digestion systems where mixing is accomplished only by circulating sludge through an external heat exchanger, the system may be loaded at a rate up to forty pounds (40 lbs.) of volatile solids per one thousand (1000) cubic feet of volume per day (0.64 kg/m<sup>3</sup>/day) in the active digestion units. This loading may be modified upward or downward depending upon the degree of mixing provided. Provisions for mixing scum shall be included.]

[(D)](C) **Gas Collection, Piping and Appurtenances.**

1. **General.** All portions of the gas system, including the space above the tank liquor, storage facilities and piping, shall be so designed that under all normal operating conditions, including sludge withdrawal, the gas will be maintained under positive pressure. All enclosed areas where any



gas leakage might occur shall be adequately ventilated.

[2.]1. Safety equipment. *[All necessary safety facilities shall be included w/Where gas is produced[.], all necessary safety facilities shall:*

A. Provide *[P]pressure and vacuum relief valves and flame traps, together with automatic safety shutoff valves[, shall be provided.] and protect from freezing;*

B. Not install *[W]water seal equipment [shall not be installed.]; and*

C. House *[G]gas safety equipment and gas compressors [should be housed] in a separate room with an exterior entrance.*

2. Ventilate piping galleries in accordance with paragraph (4)(C)4. of this rule.

[3. Gas piping and condensate. Gas piping shall be of adequate diameter and shall slope to condensate traps at low points. The use of float-controlled condensate traps is not permitted.

4. Gas utilization equipment. Gas-fired boilers for heating digesters shall be located in a separate room not connected to the digester gallery. The separated room would not ordinarily be classified as hazardous location. Gas lines to these units shall be provided with suitable flame traps.]

[5.]3. Electrical fixtures, equipment, and controls. Electrical fixtures, equipment, and controls *[in places enclosing anaerobic digestive appurtenances where hazardous gases are normally contained in the tanks and/or piping]* shall comply with the National Electrical *[Code, Class I, Group D, Division 2 locations. Digester galleries should be isolated from normal operating areas to avoid an extension of the hazardous location in accordance with paragraph (5)(D)7. of this rule.]* Manufacturers Association (NEMA) 4X enclosure rating where necessary; NEMA Standard 250-2014, published December 15, 2014. This standard is hereby incorporated by reference into this rule, as published by National Electrical Manufacturers Association, 1300 North 17th Street, Arlington, VA 22209. Electrical equipment, fixtures, and controls, in places enclosing and adjacent to anaerobic digestive appurtenances where hazardous gases are included.

[6. Waste gas. Waste gas burners shall be readily accessible and should be located at least twenty-five feet (25') (7.6 m) away from any plant structure if placed at ground level or may be located on the roof of the control building if sufficiently removed from the tank. All waste gas burners shall be equipped with automatic ignition, such as pilot light or a device using a photoelectric cell sensor. Consideration should be given to the use of natural or propane gas to insure reliability of the pilot light. In remote locations it may be permissible to discharge the gas to the atmosphere through a return-bend screened vent terminating at least ten feet (10') (3 m) above the ground surface, provided that the assembly incorporates a flame trap.]

[7.]4. Ventilation. Any underground enclosures connecting with digestion tanks or containing *[sludge] solids* or gas piping or equipment shall be provided with forced ventilation in accordance with *[10 CSR 20-8.130(4)(G) and 10 CSR 20-8.130(4)(G)2.] 10 CSR 20-8.140(7)(J).* *[The piping gallery for digesters should not be connected to other passages. Where used, tightly fitting, self-closing doors should be provided at connecting passageways and tunnels to minimize the spread of gas.]*

[8. Meter. A gas meter with bypass shall be provided to meter total gas production.

(E) Digester Heating.

1. Insulation. Wherever possible digestion tanks should be constructed above groundwater level and should be suitably insulated to minimize heat loss.

2. Heating facilities. Sludge may be heated by circulating the sludge through external heaters or by heating units located inside the digestion tank.

A. External heating. Piping shall be designed to provide for the preheating of feed sludge before introduction to the digesters. Provisions shall be made in the layout of the piping and valving to facilitate cleaning of these lines. Heat exchanger sludge piping should be sized for heat transfer requirements.

B. Other heating methods. Other types of heating facilities will also be considered on their own merits.

3. Heating capacity. Heating capacity sufficient to consistently maintain the design sludge temperature shall be provided. Where digester tank gas is used for sludge heating, an auxiliary fuel supply is required.

4. Hot water internal heating controls.

A. Mixing valves. A suitable automatic mixing valve shall be provided to temper the boiler water with return water so that the inlet water to the heat jacket can be held below a temperature at which caking will be accentuated. Manual control should also be provided by suitable bypass valves.

B. Boiler controls. The boiler should be provided with suitable automatic controls to maintain the boiler temperature at approximately one hundred eighty degrees Fahrenheit (180 °F) (82 °C) to minimize corrosion and to shut off the main gas supply in the event of pilot burner or electrical failure, low boiler water level or excessive temperature.

C. Thermometers shall be provided to show temperatures of the sludge, hot water feed, hot water return and boiler water.

(F) Supernatant Withdrawal.

1. Piping size. Supernatant piping should not be less than six inches (6") (15 cm) in diameter.

2. Withdrawal arrangements.

A. Withdrawal levels. Piping should be arranged so that withdrawal can be made from three (3) or more levels in the digester. A positive unvalved vented overflow shall be provided.

B. Supernatant selector. If a supernatant selector is provided, provisions shall be made for at least one (1) other draw-off level located in the supernatant zone of the tank in addition to the unvalved emergency supernatant draw-off pipe. High pressure backwash facilities shall be provided.

3. Sampling. Provisions should be made for sampling at each supernatant draw-off level. Sampling pipes should be at least one and one-half inches (1 1/2") (3.8 cm) in diameter and should terminate at a suitably-sized sampling sink or basin.

4. Alternate supernatant disposal. Consideration should be given to supernatant conditioning where appropriate in relation to its effect on plant performance and effluent quality.]

(D) Water Supply. Water supplies using indirect connections shall comply with 10 CSR 20-8.140(6)(D).

[(6)](5) Aerobic *[Sludge] Solids Digestion[.] High Level Emergency Overflow.* An unvalved emergency overflow shall be provided that will convey digester overflow to the treatment plant headworks, the aeration process, or to another liquid sludge storage facility and that has an alarm for high level conditions.

[(A) General. Aerobic digestion can be used to stabilize primary sludge, secondary sludge or a combination of the two. Digestion is accomplished in single or multiple tanks designed to provide effective air mixing, reduction of the organic matter, supernatant separation and sludge concentration under controlled conditions.

1. Digestion tanks. Multiple tanks are recommended. A single sludge digestion tank may be used in the case of small treatment plants or where adequate provision is made for sludge handling where a single unit will not adversely

affect normal plant operations.

(B) *Mixing and Air Requirements.* Aerobic sludge digestion tanks shall be designed for effective mixing by satisfactory aeration equipment. Sufficient air shall be provided to keep the solids in suspension and maintain dissolved oxygen between one and two (1–2) mg/l. A minimum mixing and oxygen requirement of thirty (30) cfm per one thousand (1000) cubic feet of tank volume (30 l/min/m<sup>3</sup>) shall be provided with the largest blower out-of-service. If diffusers are used, the nonclog type is recommended, and they should be designed to permit continuity of service. If mechanical aerators are utilized, a minimum of 1.0 horsepower per one thousand (1000) cubic feet (28.3m<sup>3</sup>) should be provided. Use of mechanical equipment is discouraged where freezing temperatures are normally expected.

(C) *Tank Capacity.* The determination of tank capacities shall be based on rational calculations, including such factors as quantity of sludge produced, sludge characteristics, time of aeration and sludge temperature.

1. *Volatile solids loading.* It is recommended that the volatile suspended solids loading not exceed one hundred pounds per one thousand cubic feet (100 lb/1000 ft<sup>3</sup>) of volume per day (1.60 kg/m<sup>3</sup>/day) in the digestion units. Lower loading rates may be necessary depending on temperature, type of sludge and other factors.

2. *Solids retention time.* Required minimum solids retention time for stabilization of biological sludges vary depending on type of sludge. Normally, a minimum of fifteen (15) days' retention should be provided for waste activated sludge and twenty (20) days for combination of primary and waste activated sludge, or primary sludge alone. Where sludge temperature is lower than fifty degrees Fahrenheit (50 °F) (10 °C), additional detention time should be considered.

(D) *Supernatant Separation.* Facilities shall be provided for effective separation and withdrawal of supernatant and for effective collection and removal of scum and grease.

#### (7) *Sludge Pumps and Piping.*

##### (A) *Sludge Pumps.*

1. *Capacity.* Pump capacities should be adequate but not excessive. Provision for varying pump capacity is desirable.

2. *Duplicate units.* Duplicate units shall be provided where failure of one (1) unit would seriously hamper plant operation.

3. *Type.* Plunger pumps, screw feed pumps, recessed impeller type centrifugal pumps, progressive cavity pumps or other types of pumps with demonstrated solids handling capability shall be provided for handling raw sludge. Where centrifugal pumps are used, a parallel plunger type pump should be provided as an alternate to increase reliability of the centrifugal pump.

4. *Minimum head.* A minimum positive head of twenty-four inches (24") (61 cm) shall be provided at the suction side of centrifugal type pumps and is desirable for all types of sludge pumps. Maximum suction lifts should not exceed ten feet (10') (3m) for plunger pumps.

5. *Sampling facilities.* Unless sludge sampling facilities are otherwise provided, quick closing sampling valves shall be installed at the sludge pumps. The size of valve and piping should be at least one and one-half inches (1 1/2") (3.8 cm).

##### (B) *Sludge Piping.*

1. *Size and head.* Sludge withdrawal piping should have a minimum diameter of eight inches (8") (20.3 cm) for gravity withdrawal and six inches (6") (15.2 cm) for pump suction and discharge lines. Where withdrawal is by gravity the

available head on the discharge pipe should be adequate to provide at least three feet (3') per second (0.9m/sec) velocity.

2. *Slope.* Gravity piping should be laid on uniform grade and alignment. The slope of gravity discharge piping should not be less than three percent (3%). Provisions should be made for cleaning, draining and flushing discharge lines.

3. *Supports.* Special consideration should be given to the corrosion resistance and continuing stability of supporting systems located inside the digestion tank.]

(6) *For solids pumping systems, provide audio-visual alarms in accordance with 10 CSR 20-8.140(6)(C) for:*

- (A) *Pump failure;*
- (B) *Pressure loss; and*
- (C) *High pressure.*

[(8)](7) *[Sludge] Solids De[-]watering.*

##### [(A)] *Sludge Drying Beds.*

1. *Area.* In determining the area of sludge drying beds, consideration shall be given to climatic conditions, the character and volume of the sludge to be de-watered, the method and schedule of sludge removal and other methods of sludge disposal. (It should be recognized that, in northern areas of the country, the drying season is only six (6) months a year.) In general, the sizing of the drying bed may be estimated on the basis of 2.0 ft<sup>2</sup>/capita (0.2 m<sup>2</sup>/capita) when the drying bed is the primary method of de-watering, and 1.0 ft<sup>2</sup>/capita (0.1 m<sup>2</sup>/capita) if it is to be used as a back-up de-watering unit. An increase of bed area by twenty-five percent (25%) is recommended for paved-type bed.

2. *Percolation type.* The lower course of gravel around the underdrains should be properly graded and should be twelve inches (12") (30 cm) in depth, extending at least six inches (6") (15.2 cm) above the top of the underdrains. It is desirable to place this in two (2) or more layers. The top layer of at least three inches (3") (7.6 cm) should consist of gravel one-eighth inch (1/8") to one-fourth inch (1/4") (3.2–6.4 mm) in size.

A. *Sand.* The top course should consist of at least six to nine inches (6"–9") (15–23 cm) of clean coarse sand. The finished sand surface should be level.

B. *Underdrains.* Underdrains should be clay pipe or concrete drain tile at least four inches (4") (10 cm) in diameter laid with open joints. Underdrains should be spaced not more than twenty feet (20') (6 m) apart. As to the discharge of the underdrain filtrate, refer to subsection (8)(C) of this rule.

3. *Partially paved type.* The partially paved type drying bed should be designed with consideration for space requirement to operate mechanical equipment for removing the dried sludge.

4. *Walls.* Walls should be watertight and extend fifteen to eighteen inches (15"–18") (38 cm–46 cm) above and at least six inches (6") (15 cm) below the surface. Outer walls should be curbed to prevent soil from washing into the beds.

5. *Sludge removal.* Not less than two (2) beds should be provided and they should be arranged to facilitate sludge removal. Concrete truck tracks should be provided for all percolation type sludge beds. Pairs of tracks for percolation type should be on twenty-foot (20') (6 m) centers.

6. *Sludge influent.* The sludge pipe to the drying beds should terminate at least twelve inches (12") (30 cm) above the surface and be so arranged that it will drain. Concrete splash plates for percolation type should be provided at sludge discharge points.

7. *Protective enclosure.* A protective enclosure shall be provided if winter operation is required.

(B) *Mechanical De-watering Facilities.* Provision shall be made to maintain sufficient continuity of service so that sludge may be de-watered without accumulation beyond storage capacity. The number of vacuum filters, centrifuges, filter presses, belt filters or other mechanical de-watering facilities should be sufficient to de-water the sludge produced with one (1) largest unit out-of-service. Unless other standby facilities are available, adequate storage facilities shall be provided. The storage capacity should be sufficient to handle at least a three (3)-month sludge production.

1. *Auxiliary facilities per vacuum filters.* There shall be a back-up vacuum pump and filtrate pump installed for each vacuum filter. It is permissible to have an uninstalled back-up vacuum pump or filtrate pump for every three (3) or less vacuum filters, provided that the installed unit can easily be removed and replaced.

2. *Ventilation.* Adequate facilities shall be provided for ventilation of de-watering area. The exhaust air should be properly conditioned to avoid odor nuisance.

3. *Chemical handling enclosures.* Lime-mixing facilities should be completely enclosed to prevent the escape of lime dust. Chemical handling equipment should be automated to eliminate the manual lifting requirement.

(C) *Drainage and Filtrate Disposal.* Drainage from beds or filtrate from de-watering units shall be returned to the sewage wastewater treatment process at appropriate points.

(D) *Other De-watering Facilities.* If it is proposed to de-water or dispose of sludge by other methods, a detailed description of the process and design data shall accompany the plans.]

(A) Belt presses and conveyors shall be provided with emergency shutoff controls along the entire length of the belt presses and conveyors that will:

1. Stop the press in an emergency; and
2. Trigger an audible alarm.

(B) Alarm systems shall be provided to notify the operator(s) of conditions that could result in process equipment failure or damage, threaten operator safety, or a solids spill or overflow condition.

(8) *Sludge and Biosolids Storage Lagoons.* Seal the sludge lagoon bottoms and embankments in accordance with 10 CSR 20-8.200(4)(C) to prevent leaching into adjacent soils or groundwater.

[(9) *Municipal Sludge Disposal on Land.* The program of land spreading of sludge must be evaluated as an integral system which include stabilization, storage, transportation, application, soil, crop and groundwater. The following guidelines were formulated to provide the criteria of municipal sludge disposal on land. Sewage sludge is useful to crop and soil by providing nutrients and organic matter. Sewage sludge contains heavy metals and other substances which could affect soil productivity and the quality of food. Sufficient information is not available to completely evaluate the deleterious effects. The purpose of the guidelines is to indicate the acceptable method of sludge disposal on land surface based on current knowledge. It is recognized that these guidelines should be revised as more information becomes available.

(A) *General Limitations to be Observed.*

1. *Stabilized sludge.* Only stabilized sludge shall be surface applied to farmland or pasture. Stabilized sludge is defined as processed sludge in which the organic and bacterial contents of raw sludge are reduced to levels deemed necessary by the agency to prevent nuisance odors and public health hazards. Any process which produces sludge equivalent in quality to the above in terms of public health factors and odor potential may be accepted. Additional treat-

ment would be required to further reduce pathogens when the sludge is to be spread on dairy pastures and other crops which are in the human food chain.

2. *Raw vegetables.* Sludge should not be applied to land which is used for growing food crops to be eaten raw, such as leafed vegetables and root crops.

3. *Minimum pH.* No sludge shall be applied on land if the soil pH is less than 6.5 when sludge is applied and pH shall be maintained above 6.5 for at least two (2) years following end of sludge application.

4. *Persistent organic chemicals.* At present time, sufficient information is not available to establish criteria of sludge spreading in regard to persistent organic chemicals, such as pesticides and polychlorinated biphenyls (PCB). However, if there is a known source in the sewer service area which discharges or discharged in the past such chemicals, the sludge should be analyzed for chemicals and the agency shall be consulted for recommendations concerning sludge spreading.

(B) *Site Selection.* By proper selection of the sludge application site, the nuisance potential and public health hazard should be minimized. The following items should be considered and the agency should be consulted for specific limits: land ownership information; groundwater table and bedrock location; location of dwellings, road and public access; location of wells, springs, creeks, streams and flood plains; slope of land surface; soil characteristics; climatological information and periods of ground freezing; land use plan; and road weight restrictions.

(C) *Sludge Application on Farmland.* Heavy metal loading to land should be limited in order to avoid reduction of soil productivity. A detailed chemical analysis of the sludge shall be made and the application rate shall be based on characteristics of the application site and crop uptake. The agency shall be contacted for specific limits.

(D) *Sludge Application on Forested Land.* Disposal of sludge on forested land is considerably less hazardous than on cropland in terms of heavy metal toxicity unless the land is to be converted to cropland. For the allowable sludge loading the agency should be consulted.

(E) *Management of Spreading Operation.*

1. *Hauling equipment.* The sludge hauling equipment should be designed to prevent spillage, odor and other public nuisance.

2. *Valve control.* The spreading tank truck should be provided with a control so that the discharge valve can be opened and closed by the driver while the vehicle is in motion. The spreading valve should be of the fail-safe type (that is, self-closing) or an additional manual standby valve should be employed to prevent uncontrolled spreading or spillage.

3. *Sludge storage.* Sufficient sludge storage capacity shall be provided for periods of inclement weather and equipment failure. The storage facilities shall be designed, located and operated so as to avoid nuisance conditions.

4. *Spreading methods.* The selection of spreading methods depends on the sludge characteristics, environmental factor and others. When control of odor nuisance and runoff is required, immediate incorporation of sludge after spreading or subsurface injection should be considered. When such method is utilized, an adjustment in the reduced rate of ammonia loss into the atmosphere should be considered in the computation for nitrogen balance. The sewage sludge should be spread uniformly over the surface when tank truck spreading, ridge and furrow irrigation or other methods are used. Proposals for subsurface application of sludge shall include for review a description of the equipment and program for application. Spray systems except for downward

directed types will not ordinarily be approved.

5. **Boundary demarcation.** The boundaries of the site shall be marked (for example, with stakes at corners) so as to avoid confusion regarding the location of the site during the sludge application. The markers should be maintained until the end of the current growing season.

6. **Public access.** Public access of the disposal site must be controlled by either positive barriers or remoteness of the site.

(F) **Monitoring and Reporting.** The requirement of the agency on the monitoring and reporting of sludge spreading operation should be followed. As a minimum, the producer of sludge should regularly collect and record information on the sludge and soil characteristics and volume of sludge spread to a particular site.

(10) **Other Sludge Disposal Methods.** When other sludge disposal methods, such as incineration and landfill, are considered, pertinent requirements from the agency shall be followed.]

**AUTHORITY:** section 644.026, RSMo [Supp. 1988] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 20—Clean Water Commission**

#### **Chapter 8—Minimum Design [Guides] Standards**

### **PROPOSED AMENDMENT**

**10 CSR 20-8.180 Biological Treatment.** The Clean Water Commission is amending sections (1) through (6), and adding new sections (7) and (8).

**PURPOSE:** This amendment will retain and add minimum design standards for biological wastewater treatment that are required to protect or improve public health, safety, and water quality.

**PURPOSE:** [The following criteria have been prepared as a guide for the design of biological treatment facilities. This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation

is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that the name can be added to the mailing list.] This rule specifies the minimum standards for the design of biological treatment that is part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

[(1) **Definitions.** Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the Missouri Department of Natural Resources (department) is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend preferred, and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.

(2) **Exceptions.** This rule shall not apply to facilities designed for twenty-two thousand five hundred gallons per day (22,500 gpd) (85.4m<sup>3</sup>) or less (see 10 CSR 20-8.020 for the requirements for those facilities).]

(1) **Applicability.** Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

(2) **Septic Tanks.**

(A) A septic tank must have a minimum capacity of at least one thousand (1,000) gallons.

(B) The septic tank shall be baffled.

(3) **Recirculating Media Filters.**

(A) **Location.** Recirculating media filters following primary treatment shall be located a minimum of two hundred feet (200') from future or existing residences or other establishments.

(B) **Filter Bed.** A minimum of two (2) filter beds and a diversion box are required for all design flows.

(C) **Dosing.** Both timer and float switch controls are required; timers are the primary method of operation and the float switch control is a back-up.

(D) **Loading.** Hydraulic loading rate shall—

1. Follow the manufacturer's recommendation for synthetic media filters; and

2. Do not exceed three and half gallons per day per square foot (3.5 gpd/sqft) for sand or rock filters.

(E) **Media Characteristics.** The media is any of a number of

physical structures whose sole purpose is to provide a surface to support biological growth. Commonly used media includes rock, gravel, and sand of various sizes, textile media, and peat. Finely crushed limestone, dolomite, slag, any clay, limestone, or appreciable amounts of organic material is not acceptable.

1. Rock, sand, and gravel media, when used shall—

A. Be a total of at least thirty-three inches (33") deep; and

B. Have at least twenty-four inches (24") of fine filtering media.

[(3)](4) Trickling Filters.

(A) General. Trickling filters may be used for treatment of [sewage] wastewater amenable to treatment by aerobic biologic processes. *[Trickling filters shall be preceded by effective settling tanks equipped with scum and grease collecting devices or other suitable pretreatment facilities. Filters shall be designed so as to provide the reduction in carbonaceous and/or nitrogenous oxygen demand in accordance with 10 CSR 20-7.015, Effluent Regulations and 10 CSR 20-7.031, Water Quality Standards, or to properly condition the sewage for subsequent treatment processes.]*

[(B) Hydraulics.

1. Distribution.

A. Uniformity. The sewage may be distributed over the filter by rotary distributors or other suitable devices which will ensure uniform distribution to the surface area. At design average flow, the deviation from a calculated uniformly distributed volume per square foot (m<sup>2</sup>) of the filter surface shall not exceed plus or minus ten percent (± 10%) at any point. All hydraulic factors involving proper distribution of sewage on the filters shall be submitted to the agency.

B. Head requirements. For reaction type distributions, a minimum head of twenty-four inches (24") (61 cm) between low water level in siphon chamber and center of arms is required. Similar allowance in design shall be provided for added pumping head requirements where pumping to the reaction type distributor is used.

C. Clearance. A minimum clearance of six inches (6") (15 cm) between media and distributor arms shall be provided. Greater clearance is essential where icing may occur.

2. Dosing. Sewage may be applied to the filters by siphons, pumps or by gravity discharge from preceding treatment units when suitable flow characteristics have been developed. Application of the sewage shall be practically continuous. The piping system shall be designed for recirculation.

3. Piping system. The piping system including dosing equipment and distributor shall be designed to provide capacity for the peak hourly flow rate including recirculation required under paragraph (3)(E)5. of this rule.

[(C)](B) Media.

[1. Quality. The media may be crushed rock, slag or specially manufactured material. The media shall be durable, resistant to spalling or flaking and be relatively insoluble in sewage. The top eighteen inches (18") (46 cm) shall have a loss by the twenty (20)-cycle, sodium sulfate soundness test of not more than ten percent (10%), as prescribed by the ASCE Manual of Engineering Practice, Number 13; the balance is to pass a ten (10)-cycle test using the same criteria. Slag media shall be free from iron. Manufactured media shall be resistant to ultraviolet degradation, disintegration, erosion, aging, all common acids and alkalies, organic compounds and fungus and biological attack. Media shall be either structurally capable of supporting a man's weight or a suitable access walkway provided to allow for distributor maintenance.]

[2.]1. [Depth. Rock and/or slag filter media shall have] Media depth shall—

A. Be a minimum depth of five feet (5') [(1.5 m)] above the underdrains[.] for rock filter media;

B. Be a minimum depth of ten feet (10') for [M]manufactured filter media [should have a minimum depth of ten feet (10') (3m)] to provide adequate contact time with the wastewater[.]; and

C. [Rock and/or slag filter media depths shall not exceed] Be no more than ten feet (10') [(3m) and manufactured filter media depths shall not exceed thirty feet (30') (9.1m) except where special construction is justified through extensive pilot studies] for rock filter media.

[3.]2. Size and grading of [media.

A. R[ock], slag and similar media[. Rock, slag and similar media] shall—

A. [not c]Contain no more than five percent (5%) by weight of pieces whose longest dimension is three (3) times the least dimension[.];

B. [They shall b]Be free from thin elongated and flat pieces, dust, clay, sand, or fine material; and [shall]

C. [c]Conform to the following size and grading as shown in Table 180-1, included herein, when mechanically graded over vibrating screen with square openings.

[Passing 4 1/2-inch (4 1/2") screen (11.4 cm)—one hundred percent (100%) by weight.

Retained on 3-inch (3") screen (7.6 cm)—ninety-five to one hundred percent (95–100%) by weight.

Passing 2-inch (2") screen (5.1 cm)—0.2% by weight.

Passing 1-inch (1") screen (2.5 cm)—0.1% by weight.]

Table 180-1 Particle Size Distribution:

Screen Size	Percent Passing by Weight
4.5 inches	100%
3 inches	0-95%
2 inches	0-0.2%
1 inch	0 to 0.1%

[B.]3. Manufactured [Media. Suitability will be evaluated on the basis of experience with installations handling similar wastes and loadings.] and synthetic media material shall—

A. Be used in accordance with all manufacturer's recommendations;

B. Be insoluble in wastewater and resistant to flaking, spalling, ultraviolet degradation, disintegration, erosion, aging, common acids and alkalies, organic compounds, and biological attack;

C. Be evaluated to determine the suitability based on experience with an installation treating wastewater under similar hydraulic and organic loading conditions (include a relevant case history involving the use of the synthetic media);

D. Have a structure able to support the synthetic media, water flowing through or trapped in voids, and the maximum anticipated thickness of the wetted biofilm;

E. Support the maintenance activities, unless a separate provision is made for maintenance access to the entire top of the trickling filter media and to the distributor; and

F. Be placed with the edges matched as nearly as possible to provide consistent hydraulic conditions within the trickling filter.

[C. Handling and placing of media. Material delivered to the filter site shall be stored on wood planks or other approved clean hard surfaced areas. All material shall be rehandled at the filter site and no material shall be dumped

directly into the filter. Crushed rock, slag and similar media shall be washed and rescreened or forked at the filter site to remove all fines. The material shall be placed by hand to a depth of twelve inches (12") (30 cm) above the tile underdrains and the remainder of material may be placed by means of belt conveyors or equally effective methods approved by the engineer. All material shall be carefully placed so as not to damage the underdrains. Manufactured media shall be handled and placed as approved by the engineer. Trucks, tractors or other heavy equipment shall not be driven over the filter during or after construction].

**[(D)](C) Underdrainage System.**

[1. Arrangement. Underdrains with semicircular inverts or equivalent should be provided and the underdrainage system shall cover the entire floor of the filter. Inlet openings into the underdrains shall have an unsubmerged gross combined area equal to at least fifteen percent (15%) of the surface area of the filter.]

[2.]1. Hydraulic capacity [and ventilation]. The underdrains shall [have a minimum] be designed with—

A. [s/Slopes of at least one percent (1%)]/;

B. Effluent channels [shall be designed to] that produce a minimum velocity of two feet [(2')]/per second [(0.61m/s)] (2 fps) at average daily rate of application to the filter/./;

C. [The u/Underdrainage system, effluent channels and effluent pipe [shall be designed to] that permit free passage of air/./;

D. [The size of d/Drains, channels, and pipe [should be] so that not more than fifty percent (50%) of their cross section area will be submerged under the design peak hydraulic loading, including proposed or possible future or recirculated flows. [Consideration shall be given to the use of forced ventilation, particularly for covered filters and deep manufactured media filters.]

[3. Flushing. Provision should be made for flushing the underdrains. In small filters, use of a peripheral head channel with vertical vents is acceptable for flushing purposes. Inspection facilities should be provided.

**(E) Special Features.**

1. Flooding. Appropriate valves, sluice gates or other structures shall be provided so as to enable flooding of filters comprised of rock or slag media for filter fly control.

2. Freeboard. A freeboard of four feet (4') (1.2 m) or more should be provided for tall, manufactured media filters to maximize the containment of windblown spray.

3. Maintenance. All distribution de-vices, underdrains, channels and pipes shall be installed so that they may be properly maintained, flushed or drained.

4. Winter protection. Adequate protection such as covers in severe climate or wind breaks in moderate climates shall be provided to maintain operation and treatment efficiencies when climatic conditions are expected to result in problems due to cold temperatures.

5. Recirculation. The piping system shall be designed for recirculation as required to achieve the design efficiency. The recirculation rate shall be variable and subject to plant operator control.

6. Recirculation measurement. Devices shall be provided to permit measurement of the recirculation rate. Time lapse meters and pump head recording devices are acceptable for facilities treating less than one million gallons per day (1 mgd) (3785m<sup>3</sup>/d).

(F) Rotary Distributor Seals. Mercury seals shall not be permitted. Ease of seal replacement shall be considered in the design to ensure continuity of operation.

(G) Multi-Stage Filters. The foregoing standards also apply to all multi-stage filters.

(H) Unit Sizing. Required volumes of rock or slag media fil-

ters shall be based upon pilot testing with the particular wastewater or any of the various empirical design equations that have been verified through actual full scale experience. Calculations must be submitted if pilot testing is not utilized. Pilot testing is recommended to verify performance predictions based upon the various design equations, particularly when significant amounts of industrial wastes are present. Expected performance of filters packed with manufactured media shall be determined from documented full scale experience at similar installation or through actual use of a pilot plant on-site.

(I) Design Safety Factors. Trickling filters are affected by diurnal load conditions. The volume of media determined from either pilot plant studies or use of acceptable design equations shall be based upon the design peak hourly organic loading rate rather than the average rate. An alternative would be to provide flow equalization.]

**(D) Forced Ventilation.**

1. Forced ventilation for a trickling filter is required when—

A. Designed for nitrification;

B. Designed with a media depth in excess of six feet (6'); or

C. Designed where seasonal or diurnal temperatures do not provide sufficient difference between the ambient air and wastewater temperatures to sustain passive ventilation.

2. Minimum design airflow rate to nitrify using a trickling filter shall be the greater of—

A. Fifty pounds (50 lbs) of oxygen provided per pound of oxygen demand at average organic loading, based on stoichiometry; or

B. Thirty pounds (30 lbs) of oxygen provided per pound of oxygen demand at peak organic loading, based on stoichiometry.

**[(4) Activated Sludge.**

**(A) General.**

**1. Applicability.**

A. Biodegradable wastes. The activated sludge process and its various modifications may be used where sewage is amenable to biological treatment.

B. Operational requirement. This process requires close attention and competent operating supervision, including routine laboratory control. These requirements shall be considered when proposing this type of treatment.

C. Energy requirement. This process requires major energy usage to meet aeration demands. Energy costs and potential mandatory emergency public power reduction events in relation to critical water quality conditions must be carefully evaluated. Capability of energy usage phase down while still maintaining process viability, both under normal and emergency availability conditions, must be included in the activated sludge design.

2. Specific process selection. The activated sludge process and its several modifications may be employed to accomplish varied degrees of removal of suspended solids and reduction of carbonaceous and/or nitrogenous oxygen demand. Choice of the process most applicable will be influenced by the degree and consistency of treatment required, type of waste to be treated, proposed plant size, anticipated degree of operation and maintenance, and operating and capital costs. All designs shall provide for flexibility in operation. Plants over one (1) mgd (3785 m<sup>3</sup>/d) shall be designed to facilitate easy conversion to various operation modes.

3. Winter protection. In severe climates, protection against freezing shall be provided to insure continuity of operation and performance.

(B) Pretreatment. Where primary settling tanks are not used, effective removal or exclusion of grit, debris, excessive oil or grease and comminution or screening of solids shall be

accomplished prior to the activated sludge process. Where primary settling is used, provision shall be made for discharging raw sewage directly to the aeration tanks to facilitate plant start-up and operation during the initial stages of the plant's design life.

(C) Aeration.

1. Capacities and permissible loadings. The size of the aeration tank for any particular adaptation of the process shall be determined by full scale experience, plant pilot studies or rational calculations based mainly on food to microorganism ratio and mixed liquor suspended solids levels. Other factors such as size of treatment plant, diurnal load variations and degree of treatment required shall also be considered. In addition, temperature, pH and reactor dissolved oxygen shall be considered when designing for nitrification. Calculations should be submitted to justify the basis for design of aeration tank capacity. Calculations using values differing substantially from those in the accompanying table should reference actual operational plants. Mixed liquor suspended solids levels greater than five thousand (5000) mg/l may be allowed provided that adequate data is submitted that shows the aeration and clarification system is capable of supporting the levels. When process design calculations are not submitted, the aeration tank capacities and permissible loadings for the several adaptations of the processes shown in the following table shall be used. These values apply to plants receiving peak to average diurnal load ratios ranging from about two to one (2:1) to four to one (4:1). The utilization of flow equalization facilities to reduce the diurnal peak organic load may be considered by the agency as justification to approve organic loading rates that exceed those specified in the table.

Permissible Aeration Tank  
Capacities and Loadings

(NOTE: For proper use of this table, see paragraph (4)(C)1. of this rule.)

Process	Aeration Tank Organic Loading-lb. BOD <sub>5</sub> /1,000 cu. ft./day	F/M Ratio-lb. BOD <sub>5</sub> /lb. MLVSS/day	MLSS* mg/liter
Step Aeration, Complete Mix, and Conventional	40	0.2–0.5	1000–3000
Contact Stabilization	50**	0.2–0.6	1000–3000
Extended Aeration and Oxidation-Ditches	15	0.05–0.1	3000–5000

\*MLSS values are dependent upon the surface area provided for sedimentation and the rate of sludge return as well as the aeration process.

\*\* Total aeration capacity, includes both contact and reaeration capacities. Normally the contact zone equals thirty to thirty-five percent (30%–35%) of the total aeration capacity.

2. Arrangement of aeration tanks.  
A. General tank configuration.

(I) Dimensions. The dimensions of each independent mixed liquor aeration tank or return sludge reaeration tank shall be so as to maintain effective mixing and utilization of air. Ordinarily, liquid depths should not be less than ten feet (10') (3 m) or more than thirty feet (30') (9 m) except in special design cases.

(II) Short-circuiting. For very small tanks or tanks with special configuration, the shape of the tank and the installation of aeration equipment should provide the positive control of short-circuiting through the tank.

B. Number of units. Total aeration tank volume required shall be divided among two (2) or more units, capable of independent operation, when required by the agency to meet applicable effluent limitations and reliability guidelines.

C. Inlets and outlets.

(I) Controls. Inlets and outlets for each aeration tank unit shall be suitably equipped with valves, gates, stop plates, weirs or other devices to permit controlling the flow to any unit and to maintain reasonably constant liquid level. The hydraulic properties of the system shall permit the maximum instantaneous hydraulic load to be carried with any single aeration tank unit out-of-service.

(III) Conduits. Channels and pipes carrying liquids with solids in suspension shall be designed to maintain self-cleansing velocities or shall be agitated to keep the solids in suspension at all rates of flow within the design limits. Adequate provisions should be made to drain segments of channels which are not being used due to alternate flow patterns.

D. Freeboard. All aeration tanks should have a freeboard of not less than eighteen inches (18") (46 cm). Additional freeboard or windbreak may be necessary to protect against freezing or wind blown spray.

3. Aeration equipment.

A. General. Oxygen requirements generally depend on maximum diurnal organic loading, degree of treatment and level of suspended solids concentration to be maintained in the aeration tank mixed liquor. Aeration equipment shall be capable of maintaining a minimum of two (2.0) mg/l of dissolved oxygen in the mixed liquor at all times and providing thorough mixing of the mixed liquor. In the absence of experimentally determined values, the design oxygen requirements for all activated sludge processes shall be 1.1 lbs. O<sub>2</sub>/lb. peak BOD<sub>5</sub> applied to the aeration tanks (1.1 kg O<sub>2</sub>/kg peak BOD<sub>5</sub>) except the value of 1.8 shall be used for the extended aeration process. In the case of nitrification, the oxygen requirement for oxidizing ammonia must be added to the above requirement for carbonaceous BOD<sub>5</sub> removal. The nitrogen oxygen demand (NOD) shall be taken as 4.6 times the diurnal peak total kjeldahl nitrogen (TKN) content of the influent. In addition, the oxygen demands due to recycle flows—heat treatment supernatant, vacuum filtrate, elutriates, etc., must be considered due to the high concentration of BOD<sub>5</sub> and TKN associated with the flows. Careful consideration should be given to maximizing oxygen utilization per unit power input. Unless flow equalization is provided, the aeration system should be designed to match the diurnal organic load variation while economizing on power input.

B. Diffused air systems. The desire of the diffused air system to provide the oxygen requirements shall be done by either of the following two (2) methods.

(I) Having determined the oxygen requirements per subparagraph (4)(C)3.A. of this rule, air requirements for a diffused air system shall by use of any of the well known equations incorporate such factors as tank depth, alpha factor of waste, beta factor of waste, certified aeration device transfer efficiency, minimum aeration tank dissolved oxygen



concentrations, critical wastewater temperature and altitude of plant. In the absence of experimentally determined alpha and beta factors, wastewater transfer efficiency shall be assumed to be fifty percent (50%) of clean water efficiency for plants treating primarily ninety percent (90%) or greater domestic sewage. Treatment plants where the waste contains higher percentages of industrial wastes shall use a correspondingly lower percentage of clean water efficiency and shall have calculations submitted to justify such a percentage.

(II) Normal air requirements for all activated sludge processes except extended aeration (assuming equipment capable of transmitting to the mixed liquor the amount of oxygen required in subparagraph (4)(C)3.A.) shall be considered to be fifteen hundred (1500) cu.ft. per pound of BOD<sub>5</sub> peak aeration tank loading (93.5 m<sup>3</sup>/kg of BOD<sub>5</sub>). For the extended-aeration process the value shall be two thousand (2000) cu. ft. (125 m).

(III) To the air requirements calculated in part (4)(C)3.B.(II) of this rule shall be added air required for channels, pumps, aerobic digesters or other air-use demand.

(IV) The specified capacity of blowers or air compressors, particularly centrifugal blowers, should take into account that the air intake temperature may reach forty degrees Celsius (40 °C) (one hundred four degrees Fahrenheit (104 °F)) or higher and the pressure may be less than normal. The specified capacity of the motor drive should also take into account that the intake air may be minus thirty degrees Celsius (-30 °C) (minus twenty-two degrees Fahrenheit (-22 °F)) or less and may require oversizing of the motor or a means of reducing the rate of air delivery to prevent overheating or damage to the motor.

(V) The blowers shall be so provided in multiple units, so arranged and in such capacities as to meet the maximum air demand with the single largest unit out-of-service. The design shall also provide for varying the volume of air delivered in proportion to the load demand of the plant. Aeration equipment shall be easily adjustable in increments and shall maintain solids suspension within these limits.

(VI) Diffuser systems shall be capable of providing for the diurnal peak oxygen demand or two hundred percent (200%) of the design average oxygen demand whichever is larger. The air diffusion piping and diffuser system shall be capable of delivering normal air requirements with minimal friction losses. Air piping systems should be designed such that total head loss from blower outlet (or silencer outlet where used) to the diffuser inlet does not exceed 0.5 pounds per square inch (psi) (0.04 kgf/cm<sup>2</sup>) at average operating conditions. The spacing of diffusers should be in accordance with the oxygen requirements within the channel or tank, and should be designed to facilitate adjustment of their spacing without major revision to air header piping. All plants employing less than four (4) independent aeration tanks shall be designed to incorporate removable diffusers that can be serviced and/or replaced without de-watering the tank.

(VII) Individual assembly units of diffusers shall be equipped with control valves, preferably with indicator markings for throttling or for complete shutoff. Diffusers in any single assembly shall have substantially uniform pressure loss.

(VIII) Air filters shall be provided in numbers, arrangements and capacities to furnish at all times an air supply sufficiently free from dust to prevent damage to blowers and clogging of the diffuser system used.

#### C. Mechanical aeration systems.

(I) Oxygen transfer performance. The mechanism and drive unit shall be designed for the expected conditions

in the aeration tank in terms of the power performance. Certified testing shall verify mechanical aerator performance.

(II) Design requirements. The design requirements of a mechanical aeration system shall accomplish the following: maintain a minimum of two (2.0) mg/l of dissolved oxygen in the mixed liquor at all times throughout the tank or basin; maintain all biological solids in suspension; meet maximum oxygen demand and maintain process performance with the largest unit out-of-service; and provide for varying the amount of oxygen transferred in proportion to the load demand on the plant.

(III) Winter protection. Due to high heat loss, the mechanism as well as subsequent treatment units shall be protected from freezing where extended cold weather conditions occur.

#### (D) Return Sludge Equipment.

1. Return sludge rate. The minimum permissible return sludge rate of withdrawal from the final settling tank is a function of the concentration of suspended solids in the mixed liquor entering it, the sludge volume index of these solids and the length of time these solids are retained in the settling tank. Since undue retention of solids in the final settling tanks may be deleterious to both the aeration and sedimentation phases of the activated sludge process, the rate of sludge return expressed as a percentage of the average design flow of sewage should generally be variable between the limits set forth as follows:

	<u>Minimum</u>	<u>Maximum</u>
Standard Rate	15	75
Carbonaceous Stage of Separate Stage Nitrification	15	75
Step Aeration	15	75
Contact Stabilization	50	150
Extended Aeration	50	150
Nitrification Stage of Separate Stage Nitrification	50	200

The rate of sludge return shall be varied by means of variable speed motors, drives or times (small plants) to pump sludge at the rates mentioned in the previous table.

2. Return sludge pumps. If motor driven return sludge pumps are used, the maximum return sludge capacity shall be obtained with the largest pump out-of-service. A positive head should be provided on pump suctions. Pumps should have at least three-inch (3") (7.6 cm) suction and discharge openings. If air lifts are used for returning sludge from each settling tank hopper, no standby unit will be required provided the design of the air lifts are so as to facilitate their rapid and easy cleaning and provided other suitable standby measures are provided. Air lifts should be at least three inches (3") (7.6 cm) in diameter.

3. Return sludge piping. Discharge piping should be at least four inches (4") (10 cm) in diameter and should be designed to maintain a velocity of not less than two feet (2') per second (0.61 m/s) when return sludge facilities are operating at normal return sludge rates. Suitable devices for observing, sampling and controlling return activated sludge

flow from each settling tank hopper shall be provided.

4. *Waste sludge facilities.* Waste sludge control facilities should have a maximum capacity of not less than twenty-five percent (25%) of the average rate of sewage flow and function satisfactorily at rates of 0.5 percent of average sewage flow or a minimum of ten (10) gallons per minute (0.63 l/s), whichever may be the larger. Means for observing, measuring, sampling and controlling waste activated sludge flow shall be provided. Waste sludge may be discharged to the concentration or thickening tank, primary settling tank, sludge digestion tank, vacuum filters or any practical combination of these units.

(E) *Measuring Devices.* Devices should be installed in all plants for indicating flow rates of raw sewage or primary effluent, return sludge and air to each tank unit. For plants designed for sewage flows of 1 mgd (3785 m<sup>3</sup>/d) or more, these devices should totalize and record, as well as, indicate flows. Where the design provides for all return sludge to be mixed with the raw sewage (or primary effluent) at one (1) location, then the mixed liquor flow rate to each aeration unit should be measured.

(5) *Rotating Biological Contactors.*

(A) *General.*

1. *Applicability.* The rotating biological contactor (RBC) process may be used where sewage is amenable to biological treatment. The process may be used to accomplish carbonaceous and/or nitrogenous oxygen demand reductions. Design standards, operating data and experience for this process are not well established. Therefore, expected performance of RBCs shall be based upon experience to similar full scale installations or thoroughly documented pilot testing with the particular wastewater.

2. *Winter protection.* Wastewater temperature affects rotating contactor performance. Year round operation in colder climates requires that rotating contactors be covered to protect the biological growth from cold temperatures and the excessive loss of heat from the wastewater with the resulting loss of performance. Enclosures shall be constructed of a suitable corrosion-resistant material. Windows or simple louvered mechanisms which can be opened in the summer and closed in the winter shall be installed to provide adequate ventilation. To minimize condensation, the enclosure should be adequately insulated and/or heated.

(B) *Required Pretreatment.* RBCs must be preceded by effective settling tanks equipped with scum and grease collecting devices unless substantial justification is submitted for other pretreatment devices which provide for effective removal of grit, debris and excessive oil or grease prior to the RBC units. Bar screening or comminution are not suitable as the sole means of pretreatment.

(C) *Unit Sizing.* Unit sizing shall be based on experience at similar full-scale installations or thoroughly documented pilot testing with the particular wastewater. In determining design loading rates, expressed in units of volume per day per unit area of media covered by biological growth, the following parameters must be considered: design flow rate and influent waste strength; percentage of BOD<sub>5</sub> to be removed; media arrangement including number of stages and unit area in each stage; rotational velocity of the media; retention time within the tank containing the media; and wastewater temperature; and the percentage of influent BOD<sub>5</sub> which is soluble. In addition to these parameters, loading rates for nitrification will depend upon influent TKN, pH and the allowable effluent ammonia nitrogen concentration.

(D) *Design Safety Factor.* Effluent concentrations of ammonia nitrogen from the RBC process designed for nitrification are affected by diurnal load variations. Therefore, it

may be necessary to increase the design surface area proportional to the ammonia nitrogen diurnal peaking rates appropriately to meet effluent limitations. An alternative is to provide flow equalization sufficient to insure process performance within the required effluent limitations.

(6) *Other Biological Systems.* New biological treatment schemes with promising applicability in wastewater treatment may be considered if the required engineering data for new process evaluation is provided in accordance with 10 CSR 20-8.140(5)(B).]

(5) *Activated Sludge.*

(A) *Basin lining.* If using a synthetic liner, it shall be a minimum of thirty millimeters (30 mm) thick.

(B) *Tank dimensions.* Horizontally mixed aeration tanks shall have a depth of not less than five and a half feet (5.5').

(C) *High purity oxygen,* when used and enclosed. An enclosed high purity oxygen exhaust system shall be provided to collect and vent the reactor off-gases.

(6) *Sequencing Batch Reactor (SBR).*

(A) *General.* The minimum total basin volume shall be equal to the design daily influent flow volume and either upstream in-line or off-line storage is necessary to minimize influent flow during settling and decanting.

(B) *Design.* A minimum of two (2) reactor basins shall be installed.

(7) *Membrane Bioreactor (MBR).*

(A) *General.*

1. For wastewater treatment plants with a flow equal to or greater than one hundred thousand gallons per day (100,000 gpd), the MBR process must be designed with a minimum of two (2) membrane trains capable of treating the daily average flow with one (1) membrane cassette out of service.

2. Design flux criteria must be satisfied with one (1) membrane module out-of-service (e.g., for external clean in place, recovery cleaning, repair). For purposes of these criteria, a membrane module is the smallest membrane unit capable of separate removal from the tank while maintaining operation of other membrane units in the same tank.

3. Membranes placed in the aeration basin(s) rather than a separate membrane tank shall have—

A. Individual modules and individual diffusers that can be removed separately for maintenance and repair; and

B. Aeration basin(s) volume sized for complete nitrification.

(B) *Preliminary Treatment.* Each system shall—

1. Be consistent with the membrane manufacturer recommendations;

2. Comply with 10 CSR 20-8.150(6) for grit removal;

3. Provide oil and grease removal when the levels in the influent may cause damage to the membranes;

4. Provide a fine screen and high water alarm, designed to treat peak hourly flow. Coarse screens followed by fine screens may be used in larger facilities to minimize the complications of fine screening; and

5. Comply with 10 CSR 20-8.150(4)(B) for reliability.

(C) *Aeration.* The aeration blowers must provide adequate air for membrane scour and process demands.

(D) *Redundancy.* The facility shall have at least one (1) of the following:

1. The ability to run in full programmable logic control (PLC) or standby power mode in case of an automatic control failure;

2. An operational battery backup PLC if manual control is not possible; or

3. Sufficient standby power generating capabilities to provide continuous flow through the membranes during a power outage (e.g., preliminary screening, process aeration, recycle/RAS/permeate pumps, air scour, vacuum pumps) or an adequate method to handle flow for an indefinite period (e.g., private control of influent combined with contingency methods).

(E) Operations and Maintenance. The MBR design shall—

1. Include provisions to monitor membrane integrity;

2. Provide on-line continuous turbidity monitoring of filtrate or an equivalent for operational control and indirect membrane integrity monitoring for a treatment plant with design average flow greater than or equal to one hundred thousand gallons per day (100,000 gpd); and

3. Include provisions to remove membrane cassette for cleaning considering the membrane cassette wet weight plus additional weight of the solids accumulated on the membranes.

(8) Moving Bed Bioreactor (MBBR). A MBBR secondary treatment system shall provide upstream preliminary treatment units capable of—

- (A) Screening to reduce pass-through and suspended solids;
- (B) Grit removal; and
- (C) Oil and grease removal.

*AUTHORITY:* section 644.026, RSMo [Supp. 1988] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [john.rustige@dnr.mo.gov](mailto:john.rustige@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 20—Clean Water Commission

#### Chapter 8—Minimum Design [Guides] Standards

#### PROPOSED AMENDMENT

**10 CSR 20-8.190 Disinfection.** The Clean Water Commission is deleting sections (1) through (11) and adding new sections (1)–(5).

*PURPOSE:* This amendment will retain and add minimum design standards for disinfection processes that are required to protect or improve public health, safety, and water quality.

*[PURPOSE:* The following criteria have been prepared as a guide for the design of disinfection facilities. This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of com-

pleted sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.

*Editor's Note:* The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) *Definitions.* Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.

(2) *Exceptions.* This rule shall not apply to facilities designed for twenty-two thousand five hundred gallons per day (22,500 gpd) (85.4 m<sup>3</sup>) or less (see 10 CSR 20-8.020 for the requirements for those facilities).

(3) *Forms of Disinfection.* Chlorine is the most commonly used chemical for wastewater disinfection. The forms most often used are liquid chlorine and calcium or sodium hypochlorite. Other disinfectants, including chlorine dioxide, ozone or bromine, may be accepted by the agency in individual cases. The chemical should be selected after due consideration of waste flow rates, application and demand rates, pH of the wastewater, cost of equipment, chemical availability and maintenance problems. If chlorination is utilized, it may be necessary to dechlorinate if the chlorine level in the effluent would impair the natural aquatic habitat of the receiving stream.

(4) *Feed Equipment.*

(A) *Type.* Solution-feed vacuum-type chlorinators are generally preferred for large chlorination installations. The use of hypochlorite feeders of the positive displacement type may be considered and are generally preferred when intermittent disinfection is required. The preferred method of generation of chlorine dioxide is the injection of a sodium chlorite solution into the discharge line of a solution-feed gas-type chlorinator with subsequent formation of the chlorine dioxide in a reaction chamber at a pH of four (4.0) or less. Ozone dissolution is accomplished through the use of conventional gas diffusion equipment, with appropriate consideration of materials. If ozone is being produced from air, gas preparation equipment (driers, filters, compressors) is required. If ozone is being produced from oxygen, this equipment may not be needed as a clean dry pressurized gas supply will be

available.

**(B) Control.**

1. Chlorination without dechlorination. Facilities with design flows of one million gallons per day (1.0 mgd) (3785 m<sup>3</sup>/d) or greater shall be equipped with a chlorine rate control to feed the chlorine proportional to the flow of wastewater and the chlorine residual. Facilities with design flows between one (1.0) mgd (3785 m<sup>3</sup>/d) and twenty-two thousand five hundred (22,500) gpd (85.4 m<sup>3</sup>) should be equipped with a control system to feed the chlorine proportional to the flow of wastewater.

2. Chlorination with dechlorination. All facilities designed for dechlorination must be equipped to feed the chlorine proportional to the flow of wastewater and the chlorine residual. Dechlorination equipment shall be equipped to feed in proportion to the flow of wastewater.

3. Ozone. Facilities for disinfection with ozone should be equipped to feed the ozone in proportion to the flow of wastewater.

**(C) Capacity.** Required disinfection capacity will vary, depending on the uses and points of application of the disinfecting chemical. For disinfection, the capacity should be adequate to produce an effluent that will meet the coliform limits specified by the agency. For normal domestic sewage, the following may be used as a guide in sizing chlorination facilities.

Type of Treatment	Dosage
Trickling filter plant	10 mg/l
Activated sludge plant effluent	8 mg/l
Tertiary filtration effluent	6 mg/l
Nitrified effluent	6 mg/l

**(D) Standby Equipment and Spare Parts.** Standby equipment of sufficient capacity should be available to replace the largest unit during shutdowns. Spare parts shall be available for all disinfection equipment to replace parts which are subject to wear and breakage.

**(E) Water Supply.** An ample supply of water shall be available for operating the chlorinator. Where a booster pump is required, duplicate equipment should be provided, and, when necessary, standby power as well. Protection of a potable water supply shall conform to the requirements of 10 CSR 20-8.140(8)(B).

**(5) Chlorine Supply.**

**(A) General.** The type of chlorine supply should be carefully evaluated during the planning process. Large quantities of chlorine are contained in ton cylinders and tank cars can present a considerable hazard to plant personnel and to the surrounding area should the containers develop leaks.

**(B) Containers.** The use of ton containers should be considered where the average daily chlorine consumption is over one hundred fifty pounds (150 lbs.) (68 kg). Both monetary cost and the potential residential exposure to chlorine should be considered when making the final determination.

**(C) Tank Cars.** At large chlorination installations consideration should be given to the use of tank cars, generally accompanied by gas evaporators. Both monetary cost and the potential residential exposure to chlorine should be considered when making the final determination. Liquid chlorine lines from tank cars to evaporators shall be buried and installed in a conduit and shall not enter below grade spaces. Systems shall be designed for the shortest possible pipe transportation of liquid chlorine.

**(D) Scales.** Scales for weighing cylinders shall be provided at all plants using chlorine gas. At large plants, scales of the

indicating and recording type are recommended. At least a platform scale shall be provided. Scales shall be of corrosion-resistant material.

**(E) Evaporators.** Where manifolding of several cylinders or ton containers will be required to evaporate sufficient chlorine, consideration should be given to the installation of evaporators, to produce the quantity of gas required.

**(F) Leak Detection and Controls.** A bottle of fifty-six percent (56%) ammonium hydroxide solution shall be available for detecting chlorine leaks. Where ton containers or tankcars are used, a leak repair kit approved by the Chlorine Institute shall be provided. Consideration should be given to the provision of caustic soda solution reaction tanks for absorbing the contents of leaking ton containers where the containers are in use. At large chlorination installations, consideration should be given to the installation of automatic gas detection and related alarm equipment. For ozone installations, similar purpose equipment shall be provided.

**(6) Ozone Generation.** Ozone may be produced from either an air or an oxygen gas source. Generation units shall be automatically controlled to adjust ozone production to meet disinfection requirements.

**(7) Piping and Connections.** Piping systems should be as simple as possible, specifically selected and manufactured to be suitable for chlorine or ozone service, with a minimum number of joints. Piping should be well supported and protected against temperature extremes. The correct weight or thickness of steel is suitable for use with dry chlorine liquid or gas. Even minute traces of water added to chlorine results in a corrosive attack that can only be resisted by pressure piping utilizing materials such as silver, gold, platinum or Hasteloy C. Low pressure lines made of hard rubber, saran-lined, rubber-lined, polyethylene, polyvinylchloride (PVC) or Uscolite materials are satisfactory for wet chlorine or aqueous solutions of chlorine. Due to the corrosiveness of wet chlorine, all lines designed to handle dry chlorine should be protected from the entrance of water or air containing water. For ozonation systems, the selection of material should be made with due consideration for ozone's corrosive nature. Copper or aluminum alloy should be avoided. Stainless steel with a corrosion resistance of at least equal to grade 304 L should be specified for piping containing ozone in nonsubmerged applications. Unplasticized PVC, Type 1, may be used in submerged piping, provided the gas temperature is below one hundred forty degrees Fahrenheit (140 °F) (60 °C) and the gas pressure is low.

**(8) Housing.**

**(A) Separation.** If gas chlorination equipment, chlorine cylinders or ozone generation equipment are to be in a building used for other purposes, a gas-tight room shall separate this equipment from any other portion of the building. Floor drains from the chlorine room should not be connected to floor drains from other rooms. Doors to this room shall open only to the outside of the building and shall be equipped with panic hardware. The rooms shall be at ground level and should permit easy access to all equipment. Storage area should be separate from the feed area. Chlorination equipment should be situated as close to the application point as reasonably possible.

**(B) Inspection Window.** A clear glass, gas-tight window shall be installed in an exterior door or interior wall of the chlorinator or ozone generator room to permit the units to be viewed without entering the room.

**(C) Heat.** Rooms containing disinfection equipment shall be provided with a means of heating so that a temperature

of at least sixty degrees Fahrenheit (60 °F) (16 °C) can be maintained but the room should be protected from excess heat. Cylinders shall be kept at essentially room temperature. The room containing the ozone generation units shall be maintained above thirty-five degrees Fahrenheit (35 °F) (2 °C) at all times.

(D) *Ventilation.* With chlorination systems, forced, mechanical ventilation shall be installed which will provide one (1) complete air change per minute when the room is occupied. For ozonation systems, continuous ventilation to provide at least six (6) complete air changes per hour should be installed. The entrance to the air exhaust duct from the room shall be near the floor and the point of discharge shall be so located as not to contaminate the air inlet to any buildings or inhabited areas. Air inlets shall be so located as to provide cross ventilation with air and at a temperature that will not adversely affect the chlorination of ozone generation equipment. The vent hose from the chlorinator shall discharge to the outside atmosphere above grade.

(E) *Electrical Controls.* Switches for fans and lights shall be outside of the room at the entrance. A labeled signal light indicating fan operation should be provided at each entrance, if the fan can be controlled from more than one (1) point.

(9) *Respiratory Protection.* Respiratory air-pac protection equipment, meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) shall be available where chlorine gas is handled and shall be stored at a convenient location but not inside any room where chlorine is used or stored. Instructions for using, testing and replacing mask parts including canisters, shall be posted adjacent to the equipment. The units shall use compressed air, have at least thirty (30)-minute capacity and be compatible with the units used by the fire department responsible for the plant.

(10) *Application of Chlorine or Ozone.*

(A) *Mixing.* The disinfectant shall be positively mixed as rapidly as possible, with a complete mix being effected in three (3) seconds. This may be accomplished by either the use of turbulent flow regime or a mechanical flash mixer.

(B) *Contact Period.* For a chlorination system, a minimum contact period of fifteen (15) minutes at peak hourly flow or maximum rate of pumpage shall be provided after thorough mixing. Consideration should be given to running a field tracer study to assure adequate contact time. If dechlorination is required after complete mixing of the effluent with the chemical, no further contact time is necessary. The required contact time for an ozonation unit varies with the type of dissolution equipment used. Certain high rate devices require contact times less than one (1) minute to achieve disinfection while conventional dissolution equipment may require contact times similar to chlorination systems.

(C) *Contact Tank.* The chlorine or ozone contact tank shall be constructed so as to reduce short-circuiting of flow to a practical minimum. Baffles shall be parallel to the longitudinal axis of the chamber with a minimum length to width ratio of forty to one (40:1) (the total length of the channel created by the baffles should be forty (40) times the distance between the baffles). The tank should be designed to facilitate maintenance and cleaning without reducing effectiveness of disinfection. Duplicate tanks, mechanical scrapers or portable deck level vacuum cleaning equipment shall be provided. Consideration should be given to providing skimming devices on all contact tanks. Covered tanks are discouraged.

(11) *Evaluation of Effectiveness.*

(A) *Sampling.* Facilities shall be included for sampling the disinfected effluent after contact. In large installations, or where stream conditions warrant, provisions should be made for continuous monitoring of effluent chlorine residual.

(B) *Testing.* Equipment shall be provided for measuring chlorine residuals using accepted test procedures. Automatic equipment required by subsection (4)(C) of this rule may be used to meet the requirements of this subsection. Equipment shall also be required for measuring fecal coliform using accepted test procedures as required by 10 CSR 20-9.010.]

**PURPOSE:** This rule specifies the minimum standards for the design of disinfection processes that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

(1) **Applicability.** Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

(2) **General.**

(A) **Emergency Power.** Disinfection and dechlorination processes, when used, shall be provided during all power outages. For additional emergency power requirements, refer to the provisions listed in 10 CSR 20-8.140(7).

(B) **Secondary containment.** Secondary containment shall comply with the provisions listed in 10 CSR 20-8.140(9)(A)2.

(3) **Chlorine Disinfection.**

(A) **Contact period.** A minimum contact period of fifteen (15) minutes at design peak hourly flow or maximum rate of pumpage shall be provided after thorough mixing.

(B) **Gaseous Chlorine Housing.**

1. **Feed and storage rooms shall—**

A. Have chlorine gas feed and storage rooms constructed of fire and corrosion resistant material;

B. Provide a gas-tight room to separate equipment from any other portion of the building if gas chlorination equipment or chlorine cylinders are to be in a building used for other purposes;

C. Have smooth floor surfaces that are chemical resistant, impervious, and slip resistant. Floor drains are discouraged. Design floor drains, where provided, with the ability to be plugged and sealed;

D. Have doors to this room that only open to the outside of the building, and are equipped with panic hardware. Provide door locks to prevent unauthorized access, but do not need a key to exit the locked room using the panic hardware;

E. Be well-lit with lights that are sealed so that they will continue working during a chlorine leak. Comply with 10 CSR 20-8.140(7)(B), requirements for Class I, Division 2, Group D locations when selecting lighting and electrical equipment;

F. Be at ground level and permit easy access to all equipment;

G. Separate storage areas for one- (1-) ton cylinders from the feed area; and

H. Have designated areas for “full” and “empty” cylinder storage.

**2. Heating and cooling.**

A. Rooms containing disinfection equipment shall be provided with a means of heating and cooling so that a temperature of at least sixty degrees Fahrenheit (60° F) and no more than eighty-six degrees Fahrenheit (86° F) can be maintained.

B. Heating or air conditioning equipment provided for the chlorinator room shall be separate from central heating and air conditioning systems to prevent chlorine gas from entering the central system and central heating or cooling ducts are not allowed to terminate or pass through a chlorinator room.

**3. Ventilation shall conform to the following:**

A. Install forced mechanical ventilation to provide one (1) complete fresh air change per minute when the chlorinator room is occupied. Construct fans of chemical resistant materials and have chemical proof motors. Squirrel cage type fans located outside the chlorinator room may be approved if the fan housings and ducting are airtight and made of chlorine and corrosion resistant material;

B. Locate the entrance to the air exhaust duct from the room no more than twelve inches (12") off the floor. Locate the point of discharge as not to contaminate the air inlet to any buildings or present a hazard at the access to the chlorinator room or other inhabited areas. Utilize louvers for air exhaust to facilitate airtight closure;

C. Locate air inlets as to provide cross ventilation. Place the outside air inlet at least three feet (3') above grade. Utilize louvers for air inlets to facilitate airtight closure; and

D. Position the vent hose from the chlorinator to the outside atmosphere above grade. Provide passive vent screens.

4. Electrical controls. Switches for fans and lights shall be outside of the chlorinator room at the entrance.

5. Protective and respiratory gear. Where chlorine gas is present the applicant shall comply with 10 CSR 20-8.140(9)(D)1.

(C) Alarm System. The applicant shall conform to 10 CSR 20-8.140(7)(C) and be responsible for specifying what the alarm requirements are necessary to assure consistent disinfection in compliance with the applicable bacteria limits and the disinfection residual limit in the effluent.

(D) Sampling Equipment. Sampling equipment shall be consistent with the requirements in 10 CSR 20-8.140(7)(F).

**(4) Dechlorination.**

(A) Containers. Dilution tanks and mixing tanks are required when using dry compounds and may be necessary when using liquid compounds to deliver the proper dosage.

**(B) Mixing and Contact Requirements.**

1. Mixing requirements. Solid dechlorination systems shall not be located in the chlorine contact tank.

2. Contact time. A minimum of thirty (30) seconds for mixing and contact time shall be provided at the design peak hourly flow or maximum rate of pumpage.

**(C) Housing Requirements.**

1. Feed and storage rooms. The requirements for housing sulfite gas equipment shall follow the same guidelines as for chlorine gas. For specific details follow the provisions listed in subsection (3)(B).

2. Protective and respiratory gear. See paragraph (3)(B)5. of this rule.

(D) Alarm System. See subsection (3)(C) of this rule.

(E) Sampling Equipment. Sampling equipment shall be consistent with the requirements in 10 CSR 20-8.140(7)(F).

**(5) Ultraviolet Disinfection.**

**(A) Dosage and System Sizing.**

1. General. The UV dosage shall be based on the design peak hourly flow, maximum rate of pumpage, or peak batch flow.

2. Batch discharges. If no flow equalization is provided for a batch discharger, the dosage shall be based on the peak batch flow.

3. Bioassay. The UV system shall deliver the target dosage based on equipment derating factors and, if needed, have the UV equipment manufacturer verify that the scale up or scale down factor utilized in the design is appropriate for the specific application under consideration.

4. The design delivered UV dosage for a wastewater treatment facility shall be a minimum of thirty thousand microwatt seconds per centimeters squared (30,000  $\mu\text{W} \cdot \text{s}/\text{cm}^2$ ) based on MS-2 phase inactivation.

**(B) Design.**

1. Open channel systems. The combination of the total number of banks shall be capable of treating the design peak hourly flow, maximum rate of pumpage, or peak batch flow.

2. Closed vessel systems. The combination of the total number of closed vessels shall be capable of treating the design peak hourly flow, maximum rate of pumpage, or peak batch flow.

3. Cleaning. Closed vessel systems utilizing medium-pressure lamps shall be provided with an automatic cleaning system in order to prevent algae growth.

**(C) Monitoring and Alarms.**

1. The UV system must continuously monitor and display at the UV system control panel the following minimum conditions:

A. The relative intensity of each bank or closed vessel system;

B. The operational status and condition of each bank or closed vessel system;

C. The ON/OFF status of each lamp in the system; and

D. The total number of operating hours of each bank or each closed vessel system.

2. The UV system shall include an alarm system. Alarm systems shall comply with 10 CSR 20-8.140(7)(C).

(D) Electrical Controls. For electrical controls, follow the provisions listed in 10 CSR 20-8.140(7)(B) for electrical controls requirements.

(E) Sampling Equipment. Sampling equipment shall be consistent with the requirements in 10 CSR 20-8.140(7)(F).

*AUTHORITY: section 644.026, RSMo [Supp. 1988] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.200 Wastewater Treatment [Ponds ([Lagoons])] and Wastewater Irrigation Alternatives.** The Clean Water Commission is

amending sections (1) through (8), and adding new section (9).

**PURPOSE:** *This amendment will retain and add minimum design standards for wastewater treatment lagoons and wastewater irrigation alternatives that are required to protect or improve public health, safety, and water quality.*

**PURPOSE:** *[The following criteria have been prepared as a guide for the design of waste-water treatment ponds (lagoons). This rule is to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.] This rule specifies the minimum standards for the design of lagoons and wastewater irrigation alternatives that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

**[(1) Definitions.** *Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.*

**(2) Exceptions.** *This rule shall not apply to facilities designed for twenty-two thousand five hundred (22,500) gallons per day (85.4 m<sup>3</sup>) or less (see 10 CSR 20-8.020 for the requirements for those facilities).*

**(3) General.** *This rule deals with generally used variations of treatment ponds to achieve secondary treatment including controlled discharge pond systems, flow-through pond systems and aerate pond systems. Ponds utilized for equalization, percolation, evaporation and sludge storage will not be discussed in this rule.]*

**(1) Applicability.** *Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.*

**(A)** *This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.*

**(B)** *This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.*

**[(4)](2) Supplementary [to Engineer's Report] Field Data for the Facility Plan.** *The [engineer's report] facility plan shall contain pertinent information on location, geology, soil conditions, area for expansion and any other factors that will affect the feasibility and acceptability of the proposed project, including the information required per 10 CSR 20-8.110. The following information must be submitted [in addition to that required in 10 CSR 20-8.110.):*

**[(A) Supplementary Field Survey Data.**

**1.** *The location and direction of all residences, commercial developments, parks, recreational areas and water supplies, including a log of each well if available within one-half (1/2) mile (0.8 km) of the proposed pond shall be included in the engineer's report.*

**2.** *Land use zoning adjacent to the proposed pond site shall be included.*

**3.** *A description, including maps showing elevations and contours, of the site and adjacent area shall be provided. Due consideration shall be given to additional treatment units and/or increased waste loadings in determining land requirements. Current United States Geological Survey and Soil Conservation Service maps may be considered adequate for preliminary evaluation of the proposed site.*

**4.** *The location, depth and discharge point(s) of any field tile in the immediate area of the proposed site shall be identified.*

**5.** *A geological evaluation of the proposed lagoon site prepared by the Division of Geology and Land Survey (DGLS) shall be submitted. To obtain this geological evaluation of the proposed site, the engineer shall submit the following information to the Department of Natural Resources, Division of Geology and Land Survey, P.O. Box 250, Rolla, MO 65401:*

**A.** *A layout sheet showing the proposed location. The layout shall include the legal description, property boundaries, roads, streams and other geographical landmarks which will assist in locating the site;*

**B.** *Size of the lagoon and/or approximate volume of waste to be treated;*

**C.** *Maximum cuts to be made in the construction of the lagoon; and*

**D.** *Location and depth of cut for borrow area, if any.*

**6.** *Sulfate content of the primary water supply shall be determined.*

**7.** *Data from all soil borings conducted by a professional soil testing laboratory to determine subsurface soil characteristics and groundwater characteristics, including elevation, at the proposed site and their effect on the construction and operation of a pond shall also be provided. All boring holes shall be filled and sealed. The permeability characteristics of the pond bottom and pond seal material shall also be studied. At the facility plan stage particle size analysis, Atterburg limits, standard Procter density (moisture-density relations) or permeability coefficient may be required on a case-by-case basis to reflect soil characteristics. At the twenty percent (20%) design stage, soil analysis of each representative soil material including particle size analysis, Atterburg limits, standard Procter density (moisture-density*



relations) and permeability coefficient of the compacted soil as measured in a falling head permeameter or other test procedure acceptable to the agency may be required. Soil borings may be required in each geological area to determine depth to piezometric surface and to bedrock. Recommendations of the DGLS will be used to establish the required tests at the facility plan and twenty percent (20%) design stages.

**(B) Site Information.**

1. Distance from habitation. Lagoon sites should be as far as practicable from habitation or any area which may be built up within a reasonable future period. The agency does not attempt to set any minimum distance from habitation since each case must be judged upon its own merits.

2. Prevailing winds. If practicable, ponds should be located so that local prevailing winds will be in the direction of uninhabited areas.

3. Surface runoff. Location of ponds in watersheds receiving significant amounts of stormwater runoff is discouraged. Adequate provisions must be made to divert stormwater runoff around the ponds and protect embankments from erosion.

4. Hydrology. Construction of ponds in close proximity to water supplies and other facilities subject to contamination should be avoided. A minimum separation of four feet (4') (1.2 m) between the bottom of the pond and the maximum groundwater elevation should be maintained where feasible.

5. Groundwater pollution. Proximity of lagoons to water supply located in areas of porous soils and fissured rock formation shall be elevated to avoid creation of health hazards or other undesirable conditions. If the geological report from DGLS makes suggestions for remedial treatment of the site, the engineer shall comply with the suggestions. In some cases, the engineering geologist requests to visit the site during or after construction. When a request is made, the consulting engineer shall comply with the request.]

(A) Lagoons and spray irrigation fields shall be located where stormwater runoff from the watershed is minimized.

(B) Geohydrological Evaluation. A geohydrological evaluation shall be conducted on all new lagoons, new wastewater irrigation sites, and subsurface absorption fields.

1. High Collapse Potential. Lagoons shall not be located in areas with a high collapse potential due to bedrock and soil conditions.

(C) Soils investigation. Detailed soils investigations and reports shall be submitted for facilities surface irrigating more than twenty-four inches per year (24"/yr) and for all subsurface absorption fields. Soils reports shall comply with 10 CSR 20-8.110(7).

(D) Where geosynthetic liners are used in storage or treatment basins for wastewaters of an industrial nature, the application shall:

1. Document that the liner or storage structure material is capable of containing the wastewater for at least twenty (20) years;

2. Specify repair or replacement procedures in the event of leakage or damage to the seal; and

3. Include an evaluation of secondary containment or leakage detection and collection devices for corrosive or reactive wastewaters and for toxic materials.

**[(5)](3) Basis of Design.**

[(A) Quality of Effluent. A controlled discharge stabilization pond (four (4)-cell) will be considered capable of meeting effluent limitations of thirty (30) mg/l biochemical oxygen demand (BOD<sub>5</sub>) and thirty (30) mg/l suspended solids. Flow-through stabilization ponds (three (3)-cell), and aerated

lagoon systems will be considered capable of meeting effluent limitations of thirty (30) mg/l BOD<sub>5</sub> and eighty (80) mg/l suspended solids. Flow-through lagoon systems and aerated lagoon systems followed by submerged sand filters will be considered capable of meeting effluent limitations of twenty (20) mg/l BOD<sub>5</sub> and twenty (20) mg/l suspended solids. Lagoons may be incorporated into irrigation systems or systems utilizing chemical coagulation and filtration to meet the requirements of 10 CSR 20-7.015(3)(A)3. Please refer to 10 CSR 20-7.015 Effluent Regulation for discharge requirements.]

[(B)](A) Area and Loadings for [Controlled Discharge Stabilization Ponds (four (4)-cell)] **Discharging Lagoons.**

1. [Pond] Lagoon design for BOD<sub>5</sub> loadings shall not exceed thirty-four [(34) lbs./acre/day (38 km per hectare per day)] pounds per day per acre (34 lbs/day/acre) at the three-foot (3') [(1.9 m)] operating depth in the primary cells. [The primary cell shall be followed by a secondary cell having 0.3 the area of the primary cell and by two (2) storage cells. The two (2) storage cells shall have a volume above the two-foot (2') (0.6 m) level for one (1) month's storage of average daily flow in each cell. At least one hundred twenty (120) days' detention time between the two-foot (2') level (0.6 m) and the maximum operating depth shall be provided in the entire pond system. Flow can be based on one hundred (100) gallons per capita per day (38 m<sup>3</sup>/cap/d) or other values if data is presented to justify the rate. Primary and secondary cells shall be designed for water depths up to a maximum of five feet (5') (1.5 m). The storage cell should be made as deep as possible up to a maximum depth of eight feet (8') (2.4 m).]

[(C) Area and Loadings for Flow-through Stabilization Ponds (three (3)-cell). Pond design for BOD<sub>5</sub> loadings shall not exceed thirty-four (34) pounds per acre per day (38 km per hectare per day). The second cell must be at least 0.3 the area of the first cell and the third cell 0.1 the area of the first cell. The first and second cells must have a variable operating level of between two feet (2') (0.6 m) and five feet (5') (1.5 m). The third cell must have a variable operating level of between two feet (2') (0.6 m) and eight feet (8') (2.4 m). Detention time of at least one hundred twenty (120) days must be provided. Flows of less than one hundred (100) gallons per capita per day (.38 m<sup>3</sup>/cap/d) may be used if data is presented to justify the lower rate.

(D) Aerated Lagoons. For the development of final design parameters it is recommended that actual experimental data be developed; however, the aerated lagoon design for minimum detention time may be estimated using the following formula:

$$t = \frac{E}{2.3 K_1 \times (100-E)}$$

where:

t = detention time in the aeration cell in days;

E = percent of BOD<sub>5</sub> to be removed in an aerated pond; and K<sub>1</sub> = reaction coefficient aerated lagoon, base 10.

For normal domestic sewage the K<sub>1</sub> value may be assumed to be .15 per day for Missouri conditions. The reaction rate coefficient for domestic sewage which includes some industrial waste, other waste or partially treated sewage must be determined experimentally for various conditions which might be encountered in the aerated ponds. Conversion of the reaction coefficient at other temperatures shall be based on experimental data. Raw sewage strength should also consider the effect of any return sludges. Also, additional storage volume should be considered for sludge and in northern climates, ice cover. Oxygen requirements generally will depend on the BOD<sub>5</sub> loading, the degree of treatment and

the concentration of suspended solids to be maintained. Aeration equipment shall be capable of maintaining a minimum dissolved oxygen level of two (2) mg/l in the ponds at all times. Suitable protection from weather shall be provided for electrical controls. The aeration equipment shall be capable of providing 1.3 pounds of oxygen per pound of BOD<sub>5</sub> (1.3 kg/kg BOD<sub>5</sub>) removed. BOD<sub>5</sub> removal shall be based on warm weather rates. Aerated cells shall be followed by a polishing cell with a volume of 0.3 of the volume of the aerated cell (see 10 CSR 20-8.180 for details on aeration equipment).

(E) **Multiple Units.** Parallel cells should be considered for large installations. The maximum size of any cell should be forty (40) acres (16 ha). The system should be designed to permit isolation of any cell without disrupting service of the other cells.

(F) **Pond Shape.** The shape of all cells should be so that there are no narrow or elongated portions. Round, square or rectangular ponds with a length not exceeding three (3) times the width are considered most desirable. No islands, peninsulas or coves shall be permitted. Dikes should be rounded at corners to minimize accumulation of floating materials. Common dike construction, wherever possible, is strongly encouraged.

(G) **Industrial Wastes.** Consideration shall be given to the type and effects of industrial wastes on the treatment process. In some cases it may be necessary to pretreat industrial or other discharges. Industrial wastes shall not be discharged to ponds without assessment of the effects the substances may have upon the treatment processor discharge requirements in accordance with state and federal laws.

(H) **Additional Treatment.** Consideration should be given in the design stage to the utilization of additional treatment units as may be necessary to meet applicable discharge standards (see paragraph (4)(A)3. of this rule.)

## 2. Aerated Lagoons. Aeration equipment shall be capable of:

A. Maintaining the design level of dissolved oxygen within a particular cell with one (1) unit in the cell out of service;

B. Maintaining a minimum dissolved oxygen level of two milligrams per liter (2 mg/L) in the lagoon at all times;

C. Delivering one and four tenths pounds of oxygen per pound of biochemical oxygen demand removed (1.4 lbs O<sub>2</sub>/1 lb BOD); and

D. Delivering an additional four and sixth tenths pounds of oxygen per pound of ammonia nitrogen removal (4.6 lbs O<sub>2</sub>/1 lb NH<sub>3</sub>).

(B) **Area and Loadings for Wastewater Irrigation Storage Basins.** Treatment prior to surface irrigation shall provide performance equivalent to that obtained from a primary wastewater lagoon cell designed and constructed in accordance with section (4) of this rule, except that the lagoon depth may be increased to include wastewater storage in addition to the primary volume.

## [(6)](4) [Pond] Lagoon Construction Details.

### (A) Embankments and [Dikes] Berms.

1. [Material. Dikes] Berms shall be constructed of relatively impervious material and compacted to at least ninety-five percent (95%) [standard Procter] maximum dry density test method to form a stable structure. [Vegetation and other unsuitable materials shall be removed from the area where the embankment is to be placed.]

2. [Top width.] The minimum [dike] berm width shall be eight feet (8') [(2.4 m)] to permit access of maintenance vehicles.

3. **Maximum slopes.** Inner and outer dike slopes shall not be steeper than three horizontal to one vertical (3:1).

4. **Minimum slopes.** Inner slopes should not be flatter than four horizontal to one vertical (4:1). Flatter slopes can

be specified for larger installations because of wave action but have the disadvantage of added shallow areas being conducive to emergent vegetation. Outer slopes shall be sufficient to prevent surface runoff from entering the ponds.]

5.3. [Freeboard.] Minimum freeboard shall be two feet (2') [(0.6 m)]. [For very large cells, three feet (3') (1.0 m) should be considered.]

6. **Design depth.** The minimum operating depth should be sufficient to prevent growth of aquatic plants and damage to the dikes, bottom, control structures, aeration equipment and other appurtenances. In no case should pond depths be less than two feet (2') (0.6 m). The design water depth for aerated lagoons should be ten to fifteen feet (10–15') (3–4.5 m). This depth limitation may be altered depending on the aeration equipment, waste strength, climatic conditions and geologic conditions.

7. **Erosion control.** A justification and detailed discussion of the method of erosion control which encompasses all relative factors such as pond location and size, variations in operating depths, seal material, topography, prevailing winds, cost breakdown, application procedures, etc., shall be provided.

A. **Seeding.** The dikes shall have a cover layer of fertile topsoil with a minimum thickness of four inches (4") (10 cm) to promote establishment of an adequate vegetative cover wherever riprap is not utilized. Prior to prefilling (in accordance with paragraph (6)(C)3. of this rule), adequate vegetation shall be established on dikes from the outside toe to one foot (1') above the water line measured on the slope. Perennial-type, low growing, spreading grasses that minimize erosion and can be mowed are most satisfactory for seeding of dikes. In general, alfalfa and other long-rooted crops should not be used for seeding since the roots of this type are apt to impair the water holding efficiency of the dikes. Alternate dike stabilization practices may be considered if vegetative cover cannot be established prior to prefilling.

B. **Additional erosion protection.** Riprap or some other acceptable method of erosion control is required as a minimum around all piping entrances and exits. For aerated cell(s) design should ensure erosion protection on the slopes and bottoms in the areas where turbulence will occur. Additional erosion control may also be necessary on the exterior dike slope(s) to protect the embankment(s) from erosion due to severe flooding of a water course.

C. **Alternate erosion protection.** Alternate erosion control on the interior dike slopes may be necessary for ponds which are subject to severe wave action. In these cases riprap or an acceptable equal shall be placed from one foot (1') (.3 m) above the high water mark to two feet (2') (0.6 m) below the low water mark (measured on the vertical). This protection should also be provided in the storage cells of a controlled discharge (four (4)-cell) pond and the third cell of a flow-through pond (three (3)-cell) where large fluctuations in operating depths will occur.]

## 4. An emergency spillway shall be provided that—

A. Prevents the overtopping and cutting of berms;

B. Is compacted and vegetated or otherwise constructed to prevent erosion; and

C. Has the ability for a representative sample to be collected, if discharging.

### (B) [Pond] Lagoon Bottom.

1. **Soil.** Soil used in constructing the pond bottom (not including the seal) and dike cores shall be selected to avoid settlement.] Soil shall be compacted with the moisture content between two percent (2%) below and four percent (4%) above the optimum water content and compacted to [the specified standard Procter density but no less than] at least ninety-five percent

(95%) [standard Procter] maximum dry density test method.

(C) Lagoon Seal.

1. [Design. Ponds shall be sealed so that seepage loss through the seal is as low as practicably possible. Seals consisting of soils or synthetic liners may be used provided the permeability, durability, integrity and cost effectiveness of the proposed materials can be satisfactorily demonstrated for anticipated conditions. Bentonite, soda ash or other sealing aids may be used to achieve an adequate seal in systems using soil. Results of a testing program which substantiates the adequacy of the proposed seal must be incorporated into and/or accompany the engineering report. Standard ASTM procedures or other acceptable methods shall be used for all tests. Soils having a permeability coefficient of 10- cm/sec or less with a compacted thickness of twelve inches (12") (30.5 cm) will be acceptable as a lagoon seal for water depths up to five feet (5') (1.5 m).] The lagoon shall be sealed to ensure that seepage loss is as low as possible and has a design permeability not exceeding  $1.0 \times 10^{-7}$  cm/sec.

2. Soil Seals. The minimum thickness of the compacted clay liner must be twelve inches (12"). For permeability coefficients greater than  $[10^{-7} \text{ cm/sec}]$   $1.0 \times 10^{-7}$  cm/sec or for heads over five feet (5') (1.5 m) such as an aerated lagoon system, the following formula shall be used to determine minimum seal thickness, Equation 200-1:  
Equation 200-1

$$t = \frac{H \times K}{5.4 \times 10^{-7} \text{ cm/sec}}$$

where:

K = the permeability coefficient of the soil in question;

H = the head of water in the lagoon; and

t = the thickness of the soil seal.

[Units for H and t may be English or metric; however, they must be the same. For a seal consisting of an artificial liner, seepage loss shall not exceed the equivalent of the rate expressed in this paragraph.

2. Normal construction methods will include over-excavation below grade level of twelve inches (12") (30.5 cm), scarification and compaction of base material to ninety-five percent (95%) standard Procter density at moisture content between two percent (2%) below and four percent (4%) above optimum, and compaction of lifts generally not exceeding six inches (6") (15.2 cm) to ninety-five percent (95%) standard Procter density at moisture content between two percent (2%) below and four percent (4%) above optimum. Maximum rock size should not exceed one-half (1/2) of the thickness of the compacted lift. The cut face of dikes must also be over-excavated and compacted in lifts not to exceed six inches (6") (15.2 cm) per lift. Soils containing plastic clay may be excluded from this construction requirement on a case-by-case basis based on particle size analysis and Atterburg limits. In fact, with some clay soils, satisfactory construction cannot be obtained by over-excavation and recompaction. Construction control must include field density. A minimum of two (2) density tests per acre or not less than three (3) tests must be performed for the base and each lift. Permeability tests of field compacted material may be performed at the option of the consulting engineer.

3. Prefilling. The pond shall be prefilled in order to protect the liner, to prevent weed growth, to reduce odor, to allow measurement of percolation losses and to maintain moisture content of the seal. However, the dikes must be completely prepared as described in subparagraphs (6)(A)7.A. and/or B. of this rule before the introduction of water. If the lagoon bottom is allowed to dry, the seal must be recompacted as required in paragraph (6)(C)2.

4. Percolation losses. Measurement of percolation loss-

es shall consider flow into and out of the lagoon, rainfall and evaporation, and changes in water level. Measured percolation losses in excess of one-sixteenth inch (1/16") (1.6 mm) per day will be considered excessive.]

3. Synthetic Liners. Synthetic seals thickness may vary due to liner material but the liner thickness shall be no less than two-hundredths inch (.02") or twenty (20) mil and be the appropriate material to perform under existing conditions.

4. Seep collars shall be provided on drainpipes where they pass through the lagoon seal.

(D) Influent Lines.

1. [Material. Cast- or ductile-iron pipe should be used for the influent line to the pond.] Unlined corrugated metal pipe [should be avoided] shall not be used due to corrosion problems. [Other materials selected shall be suited to local conditions. In material selection, consideration must be given to the quality of the wastes, exceptionally heavy external loadings, abrasion, soft foundations and similar problems.]

2. [Manhole. A manhole shall be installed prior to entrance of the influent line into the primary cell(s) and shall be located as close to the dike as topography permits. Its invert shall be at least six inches (6") (15 cm) above the maximum operating level of the pond and provide sufficient hydraulic head without surcharging the manhole.] A manhole shall be installed with its invert at least six inches (6") above the maximum operating level of the lagoon, prior to the entrance into the primary cell, and provide sufficient hydraulic head without surcharging the manhole. For manhole installation, follow the provisions listed in 10 CSR 8.120(6).

[3. Flow distribution. Flow distribution structures shall be designed to effectively split hydraulic and organic loads equally to the primary cells.]

[4.]3. [Influent line(s).] The influent line(s) shall be located along the bottom of the [pond] lagoon so that the top of the pipe is just below the average elevation of the [pond] lagoon seal; however, there [pipe] shall [have] be an adequate seal below [it] the pipe.

[5. Point of discharge. All primary cells shall have individual influent line(s) which terminate at approximately the center of the cell so as to minimize short-circuiting. Consideration should be given to multi-influent discharge points for primary cells of twenty (20) acres (8 hectares) or larger to enhance distribution of the waste load on the cell. All aerated cells shall have influent lines which distribute the load within the mixing zone of the aeration equipment. Consideration of multi-inlets should be closely evaluated for any diffused aeration systems.

6. Influent discharge apron. The influent line(s) shall discharge horizontally into the shallow saucer-shaped depression. The end of the discharge line(s) shall rest on a suitable concrete apron large enough so that the terminal influent velocity at the end of the apron does not cause soil erosion. A minimum size apron of two feet (2') (0.6 m) square shall be provided.

(E) Control Structures and Interconnecting Piping.

1. Structure. Facilities design shall consider the use of multipurpose control structures, where possible, to facilitate normal operational functions such as drawdown and flow distribution, flow and depth measurement, sampling, pumps for recirculation, chemical additions and mixing and to minimize the number of construction sites within the dikes. As a minimum, control structures shall be accessible for maintenance and adjustment of controls; adequately ventilated for safety and to minimize corrosion; locked to discourage vandalism; contain controls to allow water level and flow rate control, complete shut off and complete draining; constructed of noncorrosive materials (metal on metal contact in controls should be of like alloys to discourage electrochemical reactions); and located to minimize short-circuiting within

the cell and avoid freezing and ice damage. Recommended devices to regulate the water level are valves, slide tubes or dual slide gates. Regulators should be designed so that they can be preset to stop flows at any pond elevation.

2. **Piping.** All piping shall be of cast-iron or other acceptable materials. The piping should not be located within the seal. Seep collars shall be provided on drain pipes where they pass through the pond seal. Backfill around the drain pipe shall be placed and compacted in the same manner as the pond seal. Pipes should be anchored with adequate erosion control.

**A. Drawdown structure piping.**

(I) **Multilevel outlets.** The outlet structure on each pond cell, except aerated cells, shall be designed to permit overflow at one-foot (1') (30.5 cm) increments between the two foot (2') (61 cm) level and the maximum operating level. Suitable baffling shall be provided to prevent discharge of scum or other floating materials. Means must be provided to prevent unauthorized variance of the lagoon depth. A flap valve shall be provided at the outlet end of the final cell overflow or drain pipe to prevent entrance of animals or backwater from flooding.

(II) **Pond drain.** All ponds shall have emergency drawdown piping to allow complete draining for maintenance. These should be incorporated into the previously described structures. Sufficient pumps and appurtenances shall be made available to facilitate draining of individual ponds if ponds cannot be drained by gravity.

(III) **Emergency overflow.** To prevent overtopping of dikes, emergency overflow should be provided.

**B. Hydraulic Capacity.** The hydraulic capacity for constant discharge structures and piping shall allow for a minimum of two hundred fifty percent (250%) of the design flow of the system. The hydraulic capacity for controlled discharge systems shall permit transfer of water at a minimum rate of six inches (6") (15.2 cm) of pond water depth per day at the available head.

**(7) Submerged Sand Filters.**

(A) **Applications.** Submerged sand filters may be used for solids and BOD<sub>5</sub> removal following waste stabilization ponds and are considered to be both a third lagoon cell and solids removal facility when designed according to the parameters in subsection (7)(B) of this rule.

**(B) Design Details.**

1. Following nonaerated waste stabilization ponds, the loading shall not exceed five (5) gallons per day per square foot (.2 m<sup>3</sup>/m<sup>2</sup>/day) of sand. Following aerated waste stabilization ponds, the loading shall not exceed fifteen (15) gallons per day per square foot (.6 m<sup>3</sup>/m<sup>2</sup>/day) of sand.

2. Clean graded gravel, preferably placed in at least three (3) layers should be placed around the underdrains and to a depth of at least six inches (6") (15 cm) over the top of the underdrains. Suggested gradings for the three (3) layers are: one and one-half inches to three-fourths inch (1 1/2"–3/4") (3.8 cm–1.9 cm), three-fourths inch to one-fourth inch (3/4"–1/4") (1.9 cm–.6 cm) and one-fourth inch to one-eighth inch (1/4"–1/8") (.6 cm–.3 cm).

3. At least twenty-four inches (24") (0.6 m) of clean washed sand should be provided. The sand should have an effective size of 0.3–1.0 mm and a uniformity coefficient of 3.5 or less.

4. Open-joint or perforated pipe underdrains may be used. They should be spaced not to exceed ten-foot (10') (3.0 m) center-to-center.

5. The earth base of the filters should be sloped to the underdrains or the underdrains may simply be placed in the gravel base on the flat bottom of the basin.

6. The depth of liquid above the sand must be adjustable from one to five feet (1–5') (.3 m–1.5 m).

7. At least two (2) cells must be provided with the combined capacity equal to that necessary for the design loading.

8. A vehicle access ramp from the top of the embankment down to the sand surface and running along one (1) side of the filter is a desirable feature for periodic maintenance of the filter.

**(8) Miscellaneous.**

(A) **Fencing.** The pond area shall be enclosed with an adequate fence to discourage trespassing and prevent entering of livestock. Minimum fence height shall be five feet (5') (1.5 m). The fence may be of the chain link or woven type. Fencing shall not obstruct vehicle traffic or mowing operations on the dike. A vehicle access gate of sufficient width to accommodate mowing equipment shall be provided. All access gates shall be provided with locks.

(B) **Access.** An all-weather access road shall be provided to the pond site to allow year-round maintenance of the facility.

(C) **Warning Signs.** Appropriate permanent signs shall be provided along the fence around the pond to designate the nature of the facility and advise against trespassing. At least one (1) sign shall be provided on each side of the site and one (1) for every five hundred feet (500') (150 m) of its perimeter.

(D) **Flow Measurement.** Refer to 10 CSR 20-8.140(8)(G).

(E) **Groundwater Monitoring.** An approved system of groundwater monitoring wells or lysimeters may be required around the perimeter of the pond site to facilitate groundwater monitoring. The use of wells and/or lysimeters will be determined on a case-by-case basis.

(F) **Laboratory Equipment.** Refer to 10 CSR 20-8.140(8)(D).

(G) **Pond Level Gauges.** Pond level gauges shall be provided.

(H) **Service Building.** Consideration in design should be given to a service building for laboratory and maintenance equipment.]

**(5) Covers for Lagoon Retrofits.**

(A) Lagoon covers shall be constructed with a minimum thickness of 2 mil or meet the manufacturer's recommendations, and be ultraviolet and weather resistant.

(B) Trial seams shall be used to verify acceptable installation techniques.

(C) The cover shall include a stormwater removal system that conveys collected precipitation to sumps or includes drainage areas in the membrane within the acceptable leakage rate to allow stormwater to drain into the lagoon.

**(6) Surface Irrigation of Wastewater.**

(A) **Site Considerations.** For site considerations, follow the provision in section (2) of this rule.

(B) **Wetted Application Area.** The wetted application area is the land area that is normally wetted by wastewater application. The wetted application area must be:

1. Located outside of flood-prone areas having a flood frequency greater than once every ten (10) years;

2. Established—

A. At least one hundred fifty feet (150') from existing dwellings or public use areas, excluding roads or highways;

B. At least fifty feet (50') inside the property line;

C. At least three hundred feet (300') from any sinkhole, losing stream, or other structure or physiographic feature that may provide direct connection between the ground water table

and the surface;

D. At least three hundred feet (300') from any existing potable water supply well not located on the property. Adequate protection shall be provided for wells located on the application site;

E. One hundred feet (100') to wetlands, ponds, gaining streams (classified or unclassified; perennial or intermittent); and

F. If an established vegetated buffer or the wastewater is disinfected, the setbacks established in subsections (A)–(E) above may be decreased if the applicant demonstrates the risk is mitigated.

3. Fenced, or if not fenced, provide in the construction permit application or the facility plan, the—

A. Method of disinfection being utilized;

B. Suitable barriers in place, or

C. Details on how public access is limited and not expected to be present.

(C) Preapplication Treatment. At a minimum, treatment prior to irrigation shall provide performance equivalent to that obtained from a primary wastewater lagoon cell designed and constructed in accordance with sections (3) and (4) of this rule, except that the lagoon depth may be increased to include wastewater storage in addition to the primary volume.

1. The size of storage basins shall be based on the design wastewater flows and net rainfall minus evaporation expected for a one (1) in ten (10) year twenty-four (24) hour return frequency for the storage period selected and shall meet the minimum storage days listed below.

A. Seventy-five (75) days for facilities located in Scott, Stoddard, Butler, Dunklin, New Madrid, Pemiscot, Mississippi, McDonald, Newton, Jasper, Lawrence, Barry, Stone, Taney, Christian, Green, Webster, Douglas, Ozark, Howell, Texas, Dent, Shannon, Oregon, Ripley, Carter, Reynolds, Iron, Madison, Wayne, Cape Girardeau, Barton, Dade, Perry, and Bollinger counties.

B. Ninety (90) days for facilities located in Vernon, Bates, Henry, St. Clair, Cedar, Dallas, Polk, Hickory, Benton, Cooper, Morgan, Moniteau, Miller, Cole, Camden, Laclede, Pulaski, Phelps, Maries, Osage, Gasconade, Franklin, Jefferson, St. Louis, Ste. Genevieve, St. Francois, St. Charles, and Crawford counties.

C. One hundred five (105) days for facilities located in Cass, Johnson, Pettis, Platte, Jackson, Clay, Ray, Lafayette, Carroll, Saline, Chariton, Randolph, Howard, Boone, Callaway, Audrain, Monroe, Ralls, Pike, Lincoln, Warren, and Montgomery counties.

D. One hundred twenty (120) days for facilities located in Atchison, Holt, Andrew, Nodaway, Worth, Gentry, DeKalb, Harrison, Daviess, Grundy, Mercer, Putnam, Sullivan, Linn, Macon, Adair, Schuyler, Scotland, Clark, Knox, Lewis, Shelby, Buchanan, Clinton, Caldwell, Livingston, and Marion counties.

E. Seasonal facilities. For facilities that operate and generate flows only from April through October season, a minimum storage capacity of forty-five (45) days shall be provided. For facilities that operate or generate flows only from November through March, the minimum storage listed in subsection (A)–(D) above is required.

(D) Application Rates and Soils Information. The application rates for each individual site shall be based on topography, soils, geology, hydrology, weather, agricultural practice, adjacent land use, and application method. Application of wastewater shall not be allowed during periods of ground frost, frozen soil, saturated conditions, or precipitation events. In design of the application rates, the following shall apply:

1. Do not exceed the hourly application rate at the design sustained permeability rate except for short periods when initial soil moisture is significantly below field capacity. Do not exceed

an hourly rate of one-half ( $\frac{1}{2}$ ) the design sustained permeability for slopes exceeding ten percent (10%).

2. Base the daily and weekly application rates on soil moisture holding capacity, antecedent rainfall, and depth to the most restrictive soil permeability.

A. For facilities applying at twenty-four inches per year (24"/yr), the application rate cannot exceed one inch (1") per day and three inches (3") per week.

B. For facilities applying above twenty-four inches per year (24"/yr), the application rate cannot exceed the values determined in the soils report and loading design. Follow the provisions in 10 CSR 20-8.110(7), Soils Reports for additional information.

3. Design the maximum annual application rate not to exceed ten percent (10%) of the design sustained soil permeability rate for the number of days per year when soils are not frozen.

(E) The grazing of animals or harvesting of forage crops shall be deferred, as listed below, following wastewater irrigation, depending upon ambient air temperature and sunlight conditions.

1. Fourteen (14) days from grazing or forage harvesting during the period from May 1 to October 31 of each year; and

2. Thirty (30) days from grazing or forage harvesting during the period from November 1 to April 30 of each year.

(F) Public Access Areas. Disinfect wastewater prior to irrigation (not storage) in accordance with section (3) of this rule.

1. The wastewater shall contain as few of the indicator organisms as possible and in no case contain more than one hundred twenty-six (126) *Escherichia coli* form colony forming units per one hundred milliliters (126 cfu/ 100 ml);

2. The public shall not be allowed into an area when irrigation is being conducted; and

3. For golf courses utilizing wastewater, all piping and sprinklers associated with the distribution or transmission of wastewater shall be color-coded and labeled or tagged to warn against the consumptive use of contents.

(G) Alarm System. An automatic notification alarm system shall be installed on the pressure monitoring system, on each pivot and pump system, and be capable of notifying an on-call operator when a fault occurs in the system.

#### (7) Subsurface Adsorption Systems.

##### (A) Site Restrictions.

###### 1. Subsurface systems shall—

A. Exclude unstabilized fill and soils that have been highly compacted and/or disturbed, such as old road beds, foundations, or similar things;

B. Provide adequate surface drainage where slopes are less than two percent (2%);

C. Provide surface and subsurface water diversion where necessary, such as a curtain or perimeter drain; and

D. Have a ten foot (10') buffer from the property line.

2. The vertical separation between the bottom of the drip lines and/or the trench and a limiting layer, including but not limited to, bedrock; restrictive horizon; or seasonal high water table, shall be no less than:

A. Twenty-four inches (24"); or

B. Twelve inches (12") for systems dispersing secondary or higher quality effluent; or

C. Forty-eight inches (48") where karst features are present unless the site can be reclassified.

(B) Preliminary treatment. Subsurface systems shall be, at a minimum, preceded by preliminary treatment. For design of a secondary treatment system, follow the provisions in 10 CSR 20-8.180 or section (3) of this rule.

(C) Loading rates shall not exceed the values assigned by the site and soil evaluation.

**(8) Low Pressure Pipe (LPP) Subsurface Systems.****(A) Design.**

1. The LPP system shall be sized in accordance with the following equations, Equation 200-2 and Equation 200-3: Equation 200-2

$$A = \frac{Q}{\text{LTAR}}$$

and  
Equation 200-3

$$L = \frac{A}{5 \text{ ft}}$$

where:

A = Minimum LPP soil treatment area (square feet (sq.ft))

L = Minimum total length of LPP trench (ft)

Q = Maximum daily wastewater flow (gallons per day (gpd))

LTAR = Long term acceptance rate (gpd/sq.ft). This is the lowest reported LPP soil loading rate between the soil surface and at least twelve inches (12") below the specified LPP trench bottom or as approved by the Missouri Department of Natural Resources (department).

2. All network piping and low pressure distribution piping and fittings with polyvinyl chloride (PVC) shall meet ASTM Standard D 1785 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, or 120 as approved and published August 1, 2015, or equivalent rated to meet or exceed ASTM D2466 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings as approved and published August 1, 2017. These standards are hereby incorporated by reference into this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

3. Manifold design shall address freeze protection while assuring uniform distribution and to minimize drain down of laterals into other laterals at a lower elevation between dosing events.

(B) Dosage. The dosing frequency shall be based on the soils report and the dosing volume in zoned systems.

**(C) Orifices and Orifice Shielding.**

1. The orifice number and spacing shall be designed to provide a distribution of no more than six square feet per orifice with an orifice size of not less than one-eighth inch.

2. The distal pressure shall be designed and maintained at the end of each lateral to be no less than two feet (2 ft) (0.87 psi) when using three-sixteenth inch (3/16") or larger diameter orifices, and no less than five feet (5 ft) (2.18 psi) when using orifices smaller than three-sixteenth inch (3/16").

**(9) Drip Dispersal Subsurface Systems.****(A) Design.**

1. The location and size of the drains and buffers must be factored into the total area required for the drip dispersal system.

2. The drip dispersal system shall be sized with the minimum soil treatment area and total length, in accordance with the following equations, Equation 200-4 and Equation 200-5: Equation 200-4

$$A = \frac{Q}{\text{HLR}}$$

Equation 200-5

$$L = \frac{A}{2 \text{ feet}}$$

Where:

A = Minimum soil treatment area (square feet (sq. ft))

Q = Maximum daily wastewater flow (gallons per day (gpd))

HLR = Maximum hydraulic loading rate determined in the soils report (gpd/sq.ft)

L = Minimum total length (ft)

**(B) Lines.**

1. The drip dispersal lines shall be placed at a minimum depth of six inches (6") below the surface.

2. Emitters and drip dispersal lines shall be placed at a minimum on a two foot (2') spacing to achieve even distribution of the wastewater and maximum utilization of the soil.

*AUTHORITY: section 644.026, RSMo [Supp. 1988] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.210 Supplemental Treatment [Processes].** The Clean Water Commission is deleting sections (1) through (4), adding new sections (1)–(3), amending and renumbering old section (5), and adding new section (5).

*PURPOSE: This amendment will retain and add minimum design standards for supplemental treatment that are required to protect or improve public health, safety, and water quality.*

*PURPOSE: [The following criteria have been prepared as a guide for the design of supplemental treatment processes. This rule is to be used with rules 10 CSR 20-8.110– 10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflects the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans, and approval of completed sewage works. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation. These criteria are taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers Recommended Standards for Sewage Works and are based on the best information presently available. These criteria were originally filed as 10 CSR 20-8.030. It is anticipated that they will be subject to review and revision periodically as additional information and methods appear. Addenda or supplements to this publication will be furnished to consulting engineers and city*

engineers. If others desire to receive addenda or supplements, please advise the Clean Water Commission so that names can be added to the mailing list.] This rule specifies the minimum standards for the design of supplemental treatment processes that are part of wastewater collection and treatment systems. This rule is to be used with rules 10 CSR 20-8.110 through 10 CSR 20-8.210. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

[(1) Definitions. Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms, such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.

(2) Exceptions This rule shall not apply to facilities designed for twenty-two thousand five hundred (22,500) gallons per day (85.4 m<sup>3</sup>) or less (see 10 CSR 20-8.020 for the requirements for those facilities).

(3) Phosphorus Removal by Chemical Treatment.

(A) General.

1. Method. Addition of lime or the salts of aluminum or iron may be used for the chemical removal of soluble phosphorus. The phosphorus reacts with the calcium, aluminum or iron ions to form insoluble compounds. These insoluble compounds may be coagulated with or without the addition of a coagulant aid such as polyelectrolyte to facilitate separation by sedimentation.

2. Design basis. Laboratory, pilot or full scale trial of various chemical feed systems and treatment processes are recommended to determine the performance level achievable, cost-effective design criteria and ranges of chemical dosages required. Systems shall be designed with sufficient flexibility to allow for several operational adjustments in chemical feed point location, chemical feed rates and for feeding alternate chemical compounds.

(B) Process Requirements.

1. Dosage. The chemical dosage required shall include the amount needed to react with the phosphorous in the wastewater, the amount required to drive the chemical reaction to the desired state of completion and the amount required due to inefficiencies in mixing or dispersion. Excessive chemical dosage should be avoided.

2. Chemical selection. The choice of lime or the salts of aluminum or iron should be based on the wastewater characteristics and the economics of the total system. When lime is used it may be necessary to neutralize the high pH prior to subsequent treatment in secondary biological systems or prior to discharge in those flow schemes where lime treatment is the final step in the treatment process.

3. Chemical feed points. Selection of chemical feed points shall include consideration of the type of chemicals used in the process, necessary reaction times between chemical and polyelectrolyte additions, and the type of wastewater treatment processes and components utilized. Considerable flexibility in feed point location should be provided, and multiple feed points are recommended.

4. Flash mixing. Each chemical must be mixed rapidly and uniformly with the flow stream. Where separate mixing basins are provided, they should be equipped with mechanical mixing devices. The detention period should be at least

thirty (30) seconds.

5. Flocculation. The particle size of the precipitate formed by chemical treatment may be very small. Consideration should be given in the process design to the addition of synthetic polyelectrolytes to aid settling. The flocculation equipment should be adjustable in order to obtain optimum flow growth, control deposition of solids and prevent floc destruction.

6. Liquid—solids separation. The velocity through pipes or conduits from flocculation basins to settling basins should not exceed 1.5 feet per second (0.46 m/s) in order to minimize floc destruction. Entrance works to settling basins should also be designed to minimize floc shear. Settling basin design shall be in accordance with criteria outlined in 10 CSR 20-8.160. For the design of a sludge handling system, special consideration should be given to the type and volume of sludge generated in the phosphorus removal process.

7. Filtration. Effluent filtration shall be considered where effluent phosphorus concentrations of less than one (1) mg/l must be achieved.

(C) Feed Systems.

1. Location. All liquid chemical mixing and feed installations should be installed in corrosion-resistant pedestals and elevated above the highest liquid level anticipated during emergency conditions. Lime feed equipment should be located so as to minimize the length of slurry conduits. All slurry conduits shall be accessible for cleaning.

2. Liquid chemical feed system. Liquid chemical feed pumps should be of the positive displacement type with variable feed rate control. Pumps shall be selected to feed the full range of chemical quantities required for the phosphorus mass loading conditions anticipated with the largest unit out-of-service. Screens and valves shall be provided on the chemical feed pump suction lines. An air break or antisiphon device shall be provided where the chemical solution discharges to the transport water stream to prevent an induction effect resulting in overfeed. Consideration shall be given to providing pacing equipment to optimize chemical feed rates.

3. Dry chemical feed system. Each dry chemical feeder shall be equipped with a dissolver which is capable of providing a minimum five (5)-minute retention at the maximum feed rate. Polyelectrolyte feed installations should be equipped with two (2) solution vessels and transfer piping for solution makeup and daily operation. Makeup tanks shall be provided with an eductor funnel or other appropriate arrangement for wetting the polymer during the preparation of the stock feed solution. Adequate mixing should be provided by a large diameter, low-speed mixer.

(D) Storage Facilities.

1. Size. Storage facilities shall be sufficient to insure that an adequate supply of the chemical is available at all times. Exact size required will depend on size of shipment, length of delivery time and process requirements. Storage for a minimum of ten (10) days' supply should be provided.

2. Location. The liquid chemical storage tanks and tank fill connections shall be located within a containment structure having a capacity exceeding the total volume of all storage vessels. Valves on discharge lines shall be located adjacent to the storage tank and within the containment structure. Auxiliary facilities, including pumps and controls, within the containment area shall be located above the highest anticipated liquid level. Containment areas shall be sloped to a sump area and shall not contain floor drains. Bag storage should be located near the solution makeup point to avoid unnecessary transportation and housekeeping problems.

3. Accessories. Platforms, ladders and railings should be



provided as necessary to afford convenient, safe access to all filling connections, storage tank entries and measuring devices. Storage tanks shall have reasonable access provided to facilitate cleaning.

(E) Other Requirements.

1. **Materials.** All chemical feed equipment and storage facilities shall be constructed of materials resistant to chemical attack by all chemicals normally used for phosphorous treatment.

2. **Temperature/humidity and dust control.** Precautions shall be taken to prevent chemical storage tanks and feed lines from reaching temperatures likely to result in freezing or chemical crystallization at the concentrations employed. A heated enclosure or insulation may be required. Consideration should be given to temperature, humidity and dust control in all chemical feed room areas.

3. **Cleaning.** Consideration shall be given to the accessibility of piping. Piping should be installed with plugged wyes, tees or crosses at changes in direction to facilitate cleaning.

4. **Drains and drawoff.** Above-bottom drawoff from chemical storage or feed tanks shall be provided to avoid withdrawal of settled solids into the feed system. A bottom drain shall also be installed for periodic removal of accumulated settled solids.

(F) **Hazardous Chemical Handling.** The requirements of 10 CSR 20-8.140(9)(A) shall be met.

(G) **Sludge Handling.**

1. **General.** Consideration shall be given to the type and additional capacity of the sludge handling facilities needed when chemicals are used.

2. **De-watering.** Design of de-watering systems should be based, where possible, on an analysis of the characteristics of the sludge to be handled. Consideration should be given to the ease of operation, effect of recycle streams generated, production rate, moisture content, de-waterability, final disposal and operating costs.

(4) **High Rate Effluent Filtration.**

(A) **General.**

1. **Applicability.** Granular media filters may be used as a tertiary treatment device for the removal of residual suspended solids from secondary effluent. Where effluent suspended solids requirements are less than ten (10) mg/l, where secondary effluent quality can be expected to fluctuate significantly or where filters follow a treatment process where significant amounts of algae will be present, a pre-treatment process such as chemical coagulation and sedimentation or other acceptable process should precede the filter units. Pretreatment units shall meet the applicable requirements of section (3) of this rule.

2. **Design consideration.** Care should be given in the selection of pumping equipment ahead of filter units to minimize shearing of floc particles. Consideration should be given in the plant design to providing flow equalization facilities to moderate filter influent quality and quantity.

(B) **Filter Types.** Filters may be of the gravity-type or pressure-type. Pressure filters shall be provided with ready and convenient access to the media for treatment or cleaning. Where greases or similar solids which result in filter plugging are expected, filters should be of the gravity-type.

(C) **Filtration Rates.**

1. **Allowable rates.** Filtration rates shall not exceed five (5) gallons per minute per square foot based on the maximum hydraulic flow rate applied to the filter units.

2. **Number of units.** Total filter area shall be provided in two (2) or more units, and the filtration rate shall be calculated on the total available filter area with one (1) unit out-

of-service.

(D) **Backwash.**

1. The backwash rate shall be adequate to fluidize and expand each media layer a minimum of twenty percent (20%) based on the media selected. The backwash system shall be capable of providing a variable backwash rate having a maximum of at least twenty (20) gpm/sq. ft. (13.6 l/m<sup>2</sup>/s) and a minimum backwash period of ten (10) minutes.

2. **Backwash.** Pumps for backwashing filter units shall be sized and interconnected to provide the required rate to any filter with the largest pump out-of-service. Filtered water should be used as the source of backwash water. Waste filter backwash water shall be adequately treated.

(E) **Filter Media.**

1. **Selection.** Selection of proper media size will depend on the filtration rate selected, the type of treatment provided prior to filtration, filter configuration and effluent quality objectives. In dual or multi-media filters, media size selection must consider compatibility among media.

2. **Media specifications.** The following table provides a listing of the normal acceptable range of media sizes and minimum media depths. The designer has the responsibility for selection of media to meet specific conditions and treatment requirements relative to the project under consideration.

Media Sizes, mm  
and Minimum Depths, (in)

	Single Media	Dual Media	Multi Media
Anthracite	—	1.0–2.0 (20")	1.0–2.0 (20")
Sand	1.0–4.0 (48")	0.5–1.0 (12")	0.6–0.8 (10")
Garnet or Similar Material	—	—	0.3–0.6 (2")

Uniformity Coefficient shall be 1.7 or less.

(F) **Filter Appurtenances.** The filters shall be equipped with washwater troughs, surface wash or air scouring equipment, means of measurement and positive control of the backwash rate, equipment for measuring filter head loss, positive means of shutting off flow to a filter being backwashed and filter influent and effluent sampling points. If automatic controls are provided, there shall be a manual override for operating equipment, including each individual valve essential to the filter operation. The underdrain system shall be designed for uniform distribution of backwash water (and air, if provided) without danger of clogging from solids in the backwash water. Provision shall be made to allow periodic chlorination of the filter influent or backwash water to control slime growths.

(G) **Reliability.** Each filter unit shall be designed and installed so that there is ready and convenient access to all components and the media surface for inspection and maintenance without taking other units out-of-service. The need for housing of filter units shall depend on expected extreme climatic conditions at the treatment plant site. As minimum, all controls shall be enclosed. The structure housing filter controls and equipment shall be provided with adequate heating and ventilation equipment to minimize problems with excess humidity.

(H) **Backwash Surge Control.** The rate of return of waste filter backwash water to treatment units shall be controlled so that the rate does not exceed fifteen percent (15%) of

*the design average daily flow rate to the treatment units. The hydraulic and organic load from waste backwash water shall be considered in the overall design of the treatment plant. Surge tanks shall have a minimum capacity of two (2) backwash volumes, although additional capacity should be considered to allow for operational flexibility. Where waste backwash water is returned for treatment by pumping, adequate pumping capacity shall be provided with the largest unit out-of-service.*

*(I) Backwash Water Storage. Total backwash water storage capacity provided in an effluent clearwell or other unit shall equal or exceed the volume required for two (2) complete backwash cycles.*

*(J) Proprietary Equipment. Where proprietary filtration equipment not conforming to the preceding requirements is proposed, data which supports the capability of the equipment to meet effluent requirements under design conditions shall be provided. The equipment will be reviewed on a case-by-case basis at the discretion of the agency.]*

(1) **Applicability.** Wastewater systems shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(A) This rule shall not apply to animal waste management systems. Requirements for these facilities are found in 10 CSR 20-8.300.

(B) This rule shall not apply to agrichemical facilities. Requirements for these facilities are found in 10 CSR 20-8.500.

(2) **Polishing Reactors.**

(A) **Design.** The process shall—

1. Provide a minimum hydraulic retention time of three (3) hours;

2. Be based on actual reactor influent characteristics;

3. Be based on Biochemical Oxygen Demand loading rate of forty-eight pounds per one thousand cubic feet per day (48 lbs BOD/1,000 cf/day) or less;

4. Be sized using less than two tenths a pound TKN per one thousand square feet per day (0.2 lbs TKN/1,000 ft<sup>2</sup>/day) when nitrifying;

5. Provide sufficient alkalinity with a minimum residual of fifty milligrams per liter (50 mg/L) in the effluent or include chemical treatment;

6. Include cold weather provisions, such as heaters, insulated covers, installation of temperature controlled enclosures for above-ground components to prevent freezing and to ensure ammonia removal; and

7. Provide a blower malfunction alarm able to notify the operator of alarm activations through audio-visual means.

(3) **Filtration.**

(A) Filtration systems shall be preceded with additional process, such as chemical coagulation and sedimentation or other acceptable process, when:

1. Permit requirements for total suspended solids (TSS) are less than ten milligrams (10 mg/L);

2. Effluent quality is expected to fluctuate significantly;

3. Significant amounts of algae are present; or

4. The manufacturer recommends an additional process.

(B) **General Design.**

1. Filtration systems shall have:

A. Convenient access to all components and the media surface for inspection and maintenance without taking other units out of service;

B. Enclosed controls and heating and ventilation equip-

ment to control humidity; and

C. The capacity to process the design average flow to the filters with the largest unit out of service utilizing a minimum of two (2) units.

2. **Flocculation.** For filtration systems requiring coagulation and flocculation prior to the filtration, the flocculation system shall:

A. Include chemical feed equipment to meet the system's anticipated peak design flow and the ability to proportion chemical feed rates; and

B. Ensure the rapid dispersion and mixing of chemicals throughout the wastewater by providing mechanical or in-line static mixers.

(C) **Deep bed filters.**

1. The design of manifold type filtrate collection or under-drain systems shall:

A. Minimize loss of head in the manifold and baffles;

B. Provide the ratio of the area of the underdrain orifices to the entire surface area of the filter media at about three one-thousandths (0.003);

C. Provide the total cross-sectional area of the laterals at about twice the area of the final openings; and

D. Provide a manifold that has a minimum cross sectional area that is one and one half (1.5) times the total area of the laterals.

2. All rotary surface wash devices shall provide adequate surface wash water to provide half to one gallon per minute per square foot (0.5-1.0 gpm/ sq ft) of filter area.

(D) **Shallow bed filters.** The shallow bed filter shall:

1. Comply with the manufacturer's recommendations at average design flow;

2. Provide multiple unit operations to allow for continuous operability and operational variability;

3. Consist of a series of up to eight inch (8") filter increments having a minimum total media depth of eleven inches (11"), if using filter media except for sand media.

4. Have an effective size in the range of four-tenths millimeter to sixty-five hundredths millimeters (0.40 mm-0.65 mm) and a uniformity coefficient of one and one half (1.5) or less, if utilizing sand media;

5. Include inlet ports located throughout the length of the filter.

6. Provide an underdrainage system along the entire length of the filter so that filter effluent is uniformly withdrawn without clogging outlet openings.

7. Have a traveling bridge mechanism which—

A. Provides support and access to the backwash pumps and equipment;

B. Is constructed of corrosion resistant materials;

C. Provides for consistent tracking of the bridge;

D. Provides support of the power cords; and

E. Initiates a backwash cycle automatically when a preset head loss through the filter media occurs.

(E) **Cloth/Disc Filters.**

1. **Media Design.** The media shall:

A. Have an average pore size of no larger than thirty (30) microns;

B. Follow the manufacturer's recommendations; and

C. Be chemical-resistant if the filter will be exposed to chemicals, such as chlorine or disinfectants.

2. **Filtration Rates and Hydraulics.** The design shall—

A. Base the filtration rate on the effective submerged surface area of the media and provide a maximum filtration rate for peak flow of not more than six and one half gallons per minute per square foot (6.5 gpm/sq ft) of submerged cloth media; and

B. Be able to treat the design flow rate with one (1) filter unit in backwash mode.

**[(5)](4) Microscreening.****[(A) General.**

1. *Applicability.* Microscreening units may be used following a biological treatment process for the removal of residual suspended solids. Selection of this unit process should consider final effluent requirements, the preceding biological treatment process and anticipated consistency of biological process to provide a high quality effluent.

2. *Design considerations.* Pilot plant testing on existing secondary effluent is encouraged. Where pilot studies so indicate, where microscreens follow trickling filters or lagoons, or where effluent suspended solids requirements are less than ten (10) mg/l, a pretreatment process such as chemical coagulation and sedimentation shall be provided. Care should be taken in the selection of pumping equipment ahead of microscreens to minimize shearing of floc particles. The process design shall include flow equalization facilities to moderate microscreen influent quality and quantity.]

**[(B)](A) Screen Material.** The microfabric shall be a material demonstrated to be durable through long-term performance data. [The aperture size must be selected considering required removal efficiencies, normally ranging from twenty to thirty-five (20–35) microns. The use of pilot plant testing for aperture size selection is recommended.]

**[(C) Screening Rate.** The screening rate shall be selected to be compatible with available pilot plant test results and selected screen aperture size, but shall not exceed five (5) gallons per minute per square foot (3.40 l/m<sup>2</sup>/s) of effective screen area based on the maximum hydraulic flow rate applied to the units. The effective screen area shall be considered the submerged screen surface area less the area of screen blocked by structural supports and fasteners. The screening rate shall be that applied to the units with one (1) unit out-of-service.]

**[(D)](B) Backwash.** All [waste] backwash [water generated by the microscreening operation] shall be recycled for treatment. [The backwash volume and pressure shall be adequate to assure maintenance of fabric cleanliness and flow capacity. Equipment for backwash of at least eight (8) gallons per minute per linear foot (1.66 l/m/s) of screen length and sixty (60) pounds per square inch (4.22 kgf/cm<sup>2</sup>), respectively, shall be provided. Backwash water shall be supplied continuously by multiple pumps, including one (1) standby and should be] obtained from microscreened effluent. The rate of return of waste backwash water to treatment units shall be controlled so that the rate does not exceed fifteen percent (15%) of the design average daily flow rate to the treatment plant. The hydraulic and organic load from waste backwash water shall be considered in the overall design of the treatment plant. Where waste backwash water is returned for treatment by pumping, adequate pumping capacity shall be provided with the largest unit out-of-service. Provisions should be made for measuring backwash flow.]

**[(E) Appurtenances.** Each microscreen unit shall be provided with automatic drum speed controls, with provisions for manual override, a bypass weir with an alarm for use when the screen becomes blinded to prevent excessive head development, and means for de-watering the unit for inspection and maintenance. Bypassed flows must be segregated from water used for backwashing. Equipment for control of biological slime growths shall be provided. The use of chlorine should be restricted to those installations where the screen material is not subject to damage by the chlorine.

**(F) Reliability.** A minimum of two (2) microscreen units shall be provided, each unit being capable of independent operation. A supply of critical spare parts shall be provided and maintained. All units and controls shall be enclosed in a heated and ventilated structure with adequate working space to provide for ease of maintenance.]

**(5) In-stream Diffusers.****(A) General.**

1. The mixing zone shall not encroach on a drinking water intake, recreation area, or sensitive habitat, overlap the next downstream outfall, or occlude a downstream tributary.

2. Diffuser installation requires notification and an Army Corps of Engineers permit.

**(B) Diffuser Design Criteria.**

1. The pipeline shall be contained within approved property boundaries or easements.

2. Maximum port velocity shall not exceed fifteen feet per second (15 fps).

*AUTHORITY:* section 644.026, RSMo [1986] 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [john.rustige@dnr.mo.gov](mailto:john.rustige@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Spring Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 8—Design Guides**

**PROPOSED RESCISSION**

**10 CSR 20-8.220 Land Treatment.** The following criteria was prepared as a guide for the design of land treatment systems. This rule was to be used with rules 10 CSR 20-8.110–10 CSR 20-8.220 for the planning and design of the complete treatment facility. This rule reflected the minimum requirements of the Missouri Clean Water Commission as regards adequacy of design, submission of plans, approval of plans and approval of completed sewage works. Deviation from these minimum requirements was allowed where sufficient documentation was presented to justify the deviation. These criteria were taken largely from Great Lakes-Upper Mississippi River Board of State Sanitary Engineers.

*PURPOSE:* This rule is being rescinded to reduce duplication throughout Chapter 8. The requirements from 10 CSR 20-8.220 that are necessary to protect human and environmental health and safety will be incorporated throughout other sections of Chapter 8.

*AUTHORITY:* section 644.026, RSMo Supp. 1988. Original rule filed Aug. 10, 1978, effective March 11, 1979. Rescinded: Filed June 15, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities

more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for September 5, 2018, at Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.300 [Manure Storage Design Regulations] Design of Animal Waste Management Systems.** The Clean Water Commission is deleting sections (1), (9), and (12) and renumbering and amending sections (2)–(8), (10), (11), and (13).

**PURPOSE:** This amendment will retain and add minimum design standards for the design of animal waste management systems required to protect or improve public health, safety, and our natural resources.

**PURPOSE:** [This rule sets forth criteria prepared as a guide for the design of animal waste management systems at Concentrated Animal Feeding Operations. This rule shall be used together with 10 CSR 20-6.300 Concentrated Animal Feeding Operations. This rule reflects the minimum requirements of the Missouri Clean Water Commission in regard to adequacy of design, submission of plans, and approval of plans. It is not reasonable or practical to include all aspects of design in this standard. The design engineer should obtain appropriate reference materials which include, but are not limited to: copies of ASTM International standards, design manuals such as Water Environment Federation's Manuals of Practice, and other design manuals containing principles of accepted engineering practice. Deviation from these minimum requirements will be allowed where sufficient documentation is presented to justify the deviation.] This rule specifies the minimum standards for the design of animal waste management systems. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.

**[(1) Definitions.**

(A) Definitions as set forth in the Missouri Clean Water Law, Chapter 644, Concentrated Animal Feeding Operation (Hog Bill) Section 640.703, RSMo, 10 CSR 20-2.010, and 10 CSR 20-6.300 shall apply to the terms in this rule unless otherwise defined by subsection (1)(B) below.

(B) Other applicable definitions are as follows:

1. **Design storage period**—The calculated number of days that will fill the manure storage structure from the lower to the upper operating level for a covered storage structure or from the lower to the upper operating level for an uncovered, liquid storage structure during a period of average rainfall minus evaporation (R-E).

A. For a design storage period of fewer than three hundred sixty-five (365) days, the largest consecutive average monthly R-E, corresponding with the number of months of the storage period, shall be used.

B. For multiple storage stages, the storage period is the sum of available storage days in each stage.

C. For covered liquid manure storage structures, the upper operating level is one foot (1') below the top of the structure;

2. **Freeboard**—The elevation difference between the bottom of the spillway to the top of the berm for an earthen basin;

3. **Groundwater table**—The seasonal high water level occurring beneath the surface of the ground, including underground watercourses, artesian basins, underground reservoirs and lakes, aquifers, other bodies of water located below the surface of the ground, and water in the saturated zone. For the purposes of this rule, groundwater table does not include the perched water table;

4. **Manure**—The fecal and urinary excretion of animals;

5. **Manure storage structure**—A fabricated structure or earthen basin used to store manure, litter, and/or process wastewater;

6. **Rainfall minus evaporation (R-E)**—The average depth of monthly liquid precipitation minus evaporation as published in the most recent National Weather Service Climate Atlas for the geographical region of the proposed structure;

7. **Safety depth**—One foot (1') of liquid depth or the depth needed to hold the volume of the ten- (10-) year, ten- (10-) day storm, whichever is greater;

8. **Solid manure**—Manure that can be stacked without free flowing liquids;

9. **Safety volume**—The volume of wastewater stored between the upper pumpdown and emergency spillway crest;

10. **Storage lagoon**—A lagoon that does not have adequate volume to accomplish treatment;

11. **Storage volume**—The volume of manure, runoff, washwater, rainfall, and additional water sources between the lower and upper operating levels;

12. **Ten- (10-) year, ten- (10-) day storm**—The depth of rainfall occurring in a ten- (10-) day duration over a ten- (10-) year return frequency as defined by the most recent publication of the National Weather Service Climate Atlas for the geographical region of the proposed manure storage structure;

13. **Total storage capacity**—The combined volume of storage and safety volumes stored between the lower pumpdown level and emergency spillway crest;

14. **Treatment volume**—The permanent volume maintained below the lower pumpdown designed for anaerobic treatment of manure based on latitude;

15. **Waste treatment lagoon**—A lagoon that is sized to have three hundred sixty-five (365) days of storage volume and adequate treatment volume;

16. **Wastewater**—A combination of manure, washwater, runoff, rainfall, and process wastewater; and

17. **Wastewater flow**—The annual rate of wastewater contributed to an animal waste management system.]

**[(2)](1) [General] Applicability.**

[(A) **Applicability.**] This rule [shall apply] applies to all new or expanding Concentrated Animal Feeding Operations (CAFOs), however, only those applicants that are constructing earthen basins [need] are required to obtain construction permits. The Missouri Department of Natural Resources (department) will not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the animal waste management systems, only adherence to rules and regulations.

[(B) These design regulations may also be applicable to other types of agricultural waste management systems regulated by the department. Other facilities that wish to use

this regulation when preparing a permit application shall first obtain written approval from the department.

(C) Careful consideration should be given to the type of storage, treatment, and land application before choosing a final system design. Important factors to consider include: location and topography of the operation; concentration and quantity of the manure to be managed; land available for manure utilization; operating costs; and the probable type of supervision and maintenance the operation will require.

(D) New Processes, Methods, and Equipment. The policy of the department is to not obstruct the development of new methods, equipment, and management practices for manure management. The lack of inclusion in this standard of a particular type of treatment process or equipment should not be construed as precluding its use. The department will approve other types of processes or equipment under the following conditions:

1. The operational reliability and effectiveness of the process or device shall have been demonstrated with a suitably-sized prototype unit operating at its design load conditions to the extent required by the department; and

2. The department may require additional tests including:

- A. Results and engineering evaluations demonstrating the efficiency of the processes or equipment; and

- B. Appropriate, independent testing/evaluation conducted under the supervision of an engineer not employed by the manufacturer or developer.

(E) Deviations. Deviations from these rules may be approved by the department when engineering justification satisfactory to the department is provided. Justification must substantially demonstrate in writing and through calculations that a variation(s) from the design rules will result in either at least equivalent or improved effectiveness. Deviations are subject to case-by-case review with individual project consideration.]

[(3)](2) Permit Application Documents. [Applicants for a construction permit for earthen basins shall include one (1) set of documents described in this section for department approval as part of the construction permit application process. Applicants who are not constructing earthen basins and are seeking an operating permit shall develop and maintain these documents and submit those required in 10 CSR 20-6.300. The engineering documents shall provide the basic information, present design criteria and assumptions, examine alternate systems, where appropriate, and provide plans and specifications. The documents shall also include process description, sizing, data, controlling assumptions, and considerations for the functional operation of an animal waste management system.] All engineering documents shall be prepared by or under the direct supervision of a registered professional engineer licensed to practice in Missouri. [The department will not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the animal waste management systems, only adherence to rules and regulations.]

[(A) Engineering report—The following paragraphs list requirements for the content of the project engineering report to be submitted to the department for review and approval:

1. Title page. Title of project, date, operation's name and address, name and address of firm preparing the report, and seal and signature of the engineer;

2. Project location map. This map shall include state and county roads, county boundaries, and city boundaries, and show the location of the proposed project;

3. Narrative project summary. Provide an explanation of

any existing conditions at the operation and a summary of the proposed modifications to the operation;

4. Summary of design. This section should include the design data, calculations, all assumptions, and all relevant information used to justify the design. If the engineering documents contain known deviations from the design criteria contained in this rule, documentation and justification for the deviation should be submitted with the design criteria. The following items should be included:

- A. Each animal type and number within the production area, the maximum design animal capacity, and the average weight for each animal type;

- B. A detailed explanation of the process by which manure is deposited, handled, managed, and transferred within the operation;

- C. Calculations showing the estimated annual amount of manure generated at the production area and wastewater flows with average rainfall. Where possible, design manure volume shall be based on past operating records or operating data from facilities with similar feed inputs and animal characteristics. Documentation of these volumes shall be included. If operating data is not available, the design manure volume shall be estimated using the most recent edition of a research based reference. The reference name, edition, and data shall be included;

- D. Design calculations justifying the size of manure storage structures. This includes safety volume, storage volume, total storage capacity, design storage period, and treatment volume. For waste treatment lagoons, the volume of treatment shall be based on the geographical region of the proposed structure and calculated using the most recent edition of a research-based reference. The reference name, edition, and data shall be included;

- E. Stage-storage tables on at least one-foot (1') increments for all earthen basins with design operating depths (elevation of lower and upper pumpdown levels) shall be clearly identified;

- F. Collection, treatment, and disposal of all domestic wastewater flows associated with the operation; and

- G. If applicable, justifications for constructing an uncovered manure storage structure. Covered storages are preferred due to the lower risk of environmental damage from excessive rainfall;

5. Soils report/soils information. The engineering report shall contain county soil survey information for the soil types and characteristics of the production areas. Unless required otherwise by the department, soils information shall include soil series name, soil textural class, and physical properties and water features for earthen basins and solid manure components. The soils map shall show approximate boundaries of the different soils. When applicable, the design of all structures shall be sufficient to address the site limitations identified by the Missouri Geological Survey and should be discussed in the engineering report. Any soil boring or test pit logs shall also be included in the report; and

6. Operation and maintenance plan—An operation and maintenance plan shall be provided to explain the key operating procedures. At a minimum, the plan shall address operation and maintenance of mechanical equipment.

(B) General layout drawings. Plans shall include both an aerial and a topographic map or drawing that shows the spatial location and extent of the production area. Each drawing or map must be easily readable and include a visual scale, preferably one inch (1") per one thousand feet (1,000'), a north directional arrow, a fixed geographic reference point, and the date the drawing or map was completed. Each drawing or map shall include the following:

1. All confinement barns, open lots, manure storage,

and control structures, along with the other various components of the operation such as areas designated for stockpiling, composting, and for the management of animal mortalities;

2. The source of the operation's water supply and all wells within three hundred feet (300') of the production area; and

3. The location of all surface water features within the boundaries or immediately adjacent to the production area.

(C) Construction plan drawings. Plan drawings shall include the following:

1. The name of the operation and the scale in feet, a graphic scale, a north directional arrow, and the signed and dated engineer's seal;

2. The plans shall be clear and legible. They shall be drawn to a scale which will permit all necessary information to be plainly shown. The size of the plans generally should not be larger than thirty inches by forty-two inches (30" × 42"), with a preference for smaller sizes;

3. Locations of all test borings with date shall be shown on the plans;

4. Detail plans shall consist of plan views, elevation views, profiles, sections, and supplementary views which, together with the specifications and general layouts, provide the working information for the construction of the containment facilities; and

5. Include dimensions and relative elevations of manure storage structures, the location of components of the animal waste management system, alignment and size of piping, and profiles of piping with grades.

(D) Specifications. When specifically directed by the department, technical specifications shall accompany the plans.]

[(4)](3) Location.

(A) Protection from Flooding—Manure storage structures, confinement buildings, open lots, composting pads, and other manure storage areas in the production area shall be protected from inundation or damage due to the one hundred- (100-) year flood.

(B) The minimum setback distances from manure storage structures, manure storage areas, confinement buildings, open lots, or mortality composters *[are]* shall be as follows:

1. Ten feet (10') to public water supply pipelines;

2. Fifty feet (50') to property lines;

3. Fifty feet (50') to public roads;

4. One hundred feet (100') to wetlands, ponds, or lakes not used for human water supply;

5. One hundred feet (100') to gaining streams (classified or unclassified; perennial or intermittent);

6. Three hundred feet (300') to human water supply lakes or impoundments; and

7. Three hundred feet (300') to losing streams (classified or unclassified; perennial or intermittent) and sinkholes.

(C) Distances from earthen basins shall be measured from the outside edge of the top of the berm.

[(D) Separation distance from wells for manure storage structures or confinement buildings shall be in accordance with 10 CSR 23-3.010.

(E) An all-weather access road shall be provided from a public road. Sufficient room shall be provided at the site to permit turning vehicles around. In determining the type of roadway and method of construction, consideration shall be given to the types of vehicles and equipment necessary to maintain and operate the CAFO.]

[(5)](4) Manure Storage Structure Sizing.

(A) No Discharge Requirement. All manure storage structures shall *[comply with the design standards and effluent limita-*

*tions of 10 CSR 20-6.300(4)] be designed as no-discharge.*

(B) Design Storage Period. The minimum design storage period for manure storage structures shall be as follows:

1. The recommended design storage period is three hundred sixty-five (365) days.]

2.]1. The minimum design storage period for liquid manure, solid manure, and dry process waste to be land applied is one hundred eighty (180) days./;

3.]2. The minimum design storage period for /S/solid manure and dry process waste to be sold or used as bedding *[shall have a minimum design storage period of]* is ninety (90) days *[unless justification is given for a shorter time period.]; and*

4.]3. The minimum design storage period for waste treatment lagoons without an impermeable cover is three hundred sixty-five (365) days.

5. Stormwater runoff from the production area will be diverted from lagoons as possible.]

(C) New Class I swine, veal, or poultry operations shall evaluate proposed uncovered manure storage structures in accordance with applicable federal regulation as set forth in 40 CFR 412.46(a)(1), November 20, 2008, which is hereby incorporated by reference, without any later amendments or additions, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954.

(D) Sizing Manure Storage Structures.

1. The structure shall be designed to hold all inputs, between the upper and lower operating levels, anticipated during the design storage period. *[This typically includes:]*

A. Animal manure;

B. Bedding material;

C. Wash water;

D. Flush water (excluding recycled flush water);

E. Cooling water for animals or from equipment; and

F. Runoff from pervious and impervious areas, due to average rainfall.]

2. Uncovered liquid storage/s] structures shall also include:

A. *[R-E] 1-in-10 year rainfall minus evaporation* from the surface of the structure, held between the operating levels; and

B. Safety *[depth,] volume based on the 25 year, 24 hour storm event* above the upper operating level.

3. Tanks and pits shall also include six inches (6") of depth below the lower operating level for incomplete removal allowance *[unless there is adequate justification for not including this depth].*

4. Earthen basins shall also include:

A. *[Freeboard of a]At least one foot (1')/.] of freeboard or T/two feet (2') [is required]* for structures that receive storm water from open lots larger than the surface area of the storage structure;

B. Two feet (2') of permanent liquid depth below the lower operating level. Anaerobic treatment volume greater than two feet (2') will satisfy this requirement;

C. Sludge accumulation volume; and

D. *[Anaerobic treatment lagoons shall include t/Treatment volume below the lower operating level for anaerobic treatment lagoons.*

[(6)](5) Construction of Earthen basins.

(A) Geohydrologic Evaluation. A geohydrologic evaluation of the proposed earthen basin prepared by the Missouri Geological Survey shall be submitted to the department. *[To obtain a geohydrologic evaluation of the proposed site, the engineer shall submit the appropriate request form to the Missouri Geological Survey. All potential basin sites will receive two (2) ratings from the geohydrologic evaluation. The ratings will infer the relative geological limitations for designing and constructing a basin at the site in question.*

1. Collapse potential rating.] If the geohydrologic evaluation

gives a severe rating for collapse potential, an earthen basin *[is not acceptable. Concrete or steel structures or an alternate site should be considered]* shall not be used.

[2. Overall geologic limitations rating. Sites that have a severe rating for the overall geologic limitations but a slight or moderate collapse potential will be reviewed on a case-by-case basis. The department may require artificial liners or additional geotechnical exploration and design implementation and/or post-construction testing in these situations.]

(B) Detailed Soils Investigation.

[1.] A detailed soils investigation is required to substantiate feasibility. *[.] and to determine [T]he quantity and quality of soil materials on-site and from a borrow area [must be identified and evaluated] for use in the basin and/or liner.*

[2. Exploration shall be sufficient to identify and define the quantity and quality of the soil material. The use of test pits, split spoon (barrel), or thin-walled tube sampling or a combination of these techniques may be used depending on the total area of investigation and the depth to which exploration is needed.] The following information, in whole or in part, is required:

- A. Atterburg limits;
- B. Standard proctor density (moisture/density relationships);
- C. Coefficient of permeability (undisturbed and remolded);
- D. Depth to bedrock;
- E. Particle size analysis; and
- F. Depth to *[seasonal high]* groundwater table.

[3. Information gathered from the investigation shall be presented on a map drawn to scale. Slope, location, and other surface features should also be included. The soil profile should be shown of the representative soil material. Copies of original boring and other soil test logs shall also be included. An interpretation of the collected data shall be incorporated into the report. Any site constraints and how they will be dealt with should be discussed.]

(C) Shape and Location.

1. *[Shape of cells.]* The shape of all cells *[should]* shall be such that there are no narrow or elongated portions. *Round, square, or rectangular cells (length not exceeding three (3) times the width) are recommended. No* or islands, peninsulas, or coves *[shall be permitted].*

2. *[Constant elevation of floor.]* The floor of the structure shall be a consistent elevation. *[.] with [F]inished elevations [shall] not be more than three inches (3") above or below the average elevation of the floor.*

3. *[Distance to groundwater and bedrock.]* The floor of the basin shall be at least four feet (4') above the *[high]* groundwater table or the water table as modified by subsurface drainage. *[. In addition, the floor shall be] and at least two feet (2') above bedrock. [For perched water tables, a curtain drain with a positive outlet may be installed around the structure.]*

(D) *[Slopes. Inner and o]Outer* berm slopes shall not be steeper than three to one (3:1), horizontal to vertical. *[.] and [I]inner slopes [shall] not be flatter than four to one (4:1) or steeper than 3:1 for uncovered lagoons or 2.5:1 for covered lagoons. [Consideration may be given to steeper inner slopes provided special attention is given to stabilizing the slope with rip-rap, concrete, or other rigid materials. These stabilization methods shall be specified. The flatness of the outer slope is of no concern provided surface water can be diverted around the lagoon. Long outer slopes should be flatter than three to one (3:1) to assist in safe mowing of vegetation.]*

(E) Berm Construction and Width. Construction specifications shall include the following:

1. Compact *[S]oil* used in constructing the basin floor (not including clay liner) and berm cores *[shall be relatively incompressible, tight, and compacted]* to between two percent (2%) below and four percent (4%) above the optimum water content and *[compacted]* to at least ninety percent (90%) standard proctor den-

sity. *[.]*

2. *[Compaction of]* Use lifts for berm construction *[shall]* not exceeding twelve inches (12"). *[.]*

[3.] with a *[M]aximum* rock size *[should]* not exceeding one-half (1/2) *[of]* the thickness of the compacted lift. *[.]* and

[4.3. *[The minimum]* Construct the top width of the berm *[width shall be] a minimum of eight feet (8') [.]* For fill heights from fifteen to twenty feet (15'-20'), use minimum top widths *[shall be]* of ten feet (10') *[.]* and for fill heights from twenty to twenty-five feet (20'-25'), use minimum top widths *[shall be]* of twelve feet (12'). *[Exceptions to minimum top widths can be made with documentation from a slope stability analysis.]*

(F) Emergency Spillway. To prevent overtopping and cutting of berms, an emergency overflow shall be provided. *The spillway shall* that—

[1. Be in the location with the minimum amount of constructed earthen fill;

2. Provide passage of liquid at a safe velocity to a point outside of the berm(s);]

[3.1. *[Have]* Has a minimum bottom width of ten feet (10') and a minimum depth of one foot (1'); and

[4.2. *[Be]* Is compacted and vegetated or otherwise constructed to prevent erosion due to possible flow.

(G) Compacted Clay Liner. *[The following criteria are for design and construction of soil liners. Engineering reports, plans, and specifications should address these criteria.]*

[1. Soils information. The soils used for construction of an earthen basin liner should meet the following minimum specifications:

A. Be classified under the Unified Soil Classification System (ASTM D2487) as CL, CH, GC, or SC;

B. Allow more than fifty percent (50%) passage through a Number 200 sieve;

C. Have a liquid limit equal to or greater than thirty (30);

D. Have a plasticity index equal to or greater than twenty (20); and

E. Have a coefficient of permeability equal to or less than  $1 \times 10^{-7}$  centimeters per second (cm/sec) when compacted to ninety percent (90%) of standard proctor density with the moisture content between two percent (2%) below and four percent (4%) above the optimum moisture content.]

[2.1. Liner construction. Compacted clay liners shall be constructed to—

A. *[Construction shall include scarification]* Be scarified and *[compaction of base material]* compacted to between two percent (2%) below and four percent (4%) above the optimum water content and *[compacted]* to at least ninety percent (90%) standard proctor density.

B. *[Compaction of]* Be raised in lifts *[shall]* not exceeding six inches (6"). *[.] with a [M]aximum* rock size *[should]* not exceeding one-half (1/2) *[of]* the thickness of the compacted lift.

C. *[The completed seal shall b]Be* maintained at or above the optimum water content until the basin is prefilled with water *[in accordance with this section of the rule].*

D. *[Fill around pipes installed through embankments shall be compacted to prevent seepage.] Have a minimum thickness of twelve inches (12").*

[3.2. Permeability. All earthen basins shall be sealed so that seepage loss through the seal is minimized. *The basin seal shall* and to meet the following specifications:

A. *[c]Cover* the floor and extend up the inner slope to where the side slope intersects with the top of the berm.

[4.B. *[The]* Have a design permeability of the basin seal *[shall]* not exceeding *[five hundred (500) gallons per acre per day in areas where potable groundwater might become contaminated or when the wastewater contains industrial contributions of concern. Design seepage rates up to three*



thousand five hundred (3,500) gallons per acre per day may be considered in other areas where potable groundwater contamination is not a concern, provided that the cells will maintain adequate water levels to provide treatment and avoid nuisance conditions]  $1.0 \times 10^{-7}$  centimeter per second (cm/sec).

[B. *Liner thickness.* The minimum thickness of the liner is twelve inches (12").] For soils which have a coefficient of permeability greater than  $1.0 \times 10^{-7}$  [centimeter per second] (cm/sec), unusual depth, or potable ground water contamination potential, liner thickness of more than twelve inches (12") may be required. The following equation shall be used to determine minimum seal thickness:

$$t = (H \times K) / 5.4 \times 10^{-7} \text{ cm/sec}$$

where

K = permeability coefficient of the soil in question;

H = head (maximum water level depth) of water in the basin; and

t = thickness of the soil seal.

[Units for H and t may be English (feet) or metric (meters); however, they must be the same.]

4. *Soil additives.* Bentonite, soda ash, or other sealing aids may be used to achieve an adequate seal in systems using soil. The design shall include information on the type of soil additive and the method of application.

(H) *Prefilling.* The basin shall be prefilled in order to protect the liner, prevent weed growth, reduce odor, allow measurement of percolation losses, and maintain moisture content of the seal. However, the berms must be completely prepared before the introduction of water. If the clay liner is allowed to dry, the liner must be scarified and recompacted as described in this section of the rule.]

[(I)](H) *Protection of Berms.*

[1. *Livestock, burrowing animals, and woody vegetation* must be excluded from basins to protect the integrity of the berms and liners.

2. *The berms, diversion ditches, and terraces* shall be seeded and a good vegetative cover established to minimize erosion and aid in weed control. The inner berms should be seeded down to the upper operating level of the structure. Where the structure is not anticipated to reach its upper operating level during the first growing season, consideration should be given to further seeding on the berm slope. Long rooted grasses shall not be used for seeding of berms. Fertilization needs, mulching, and watering must be considered for all basins to ensure that a good growth of grass occurs rapidly and is sustained. Specifications shall detail specific amounts and variety of seeds to be used, mulching, and fertilizer requirements as appropriate and the proper time period for application to be reasonably assured that vegetative cover will be established.]

[3.] *Rip-rap* or some other acceptable method of erosion control is required as a minimum around all piping entrances and exits[.], [F]for aerated cell(s), [the design should ensure erosion protection] on the slopes and floor in the areas where turbulence will occur[.], and

[4. F]for **protection from wave action** for basins with a surface area greater than five (5) acres[, consideration shall be given to providing embankment protection from wave action].

[(J)](I) **If** [A]alternative [L]liners. [Seals consisting of reinforced concrete, soil cement, or synthetic liners may be] are used, [provided the] permeability, durability, and integrity of the proposed materials [can be] **must be** satisfactorily demonstrated for anticipated conditions.

[(K) *Percolation Losses.* Measurement of percolation losses, when required, shall consider flow into and out of the lagoon, rainfall and evaporation, and changes in water level.

*Measured percolation losses in excess of one-sixteenth inch (1/16") per day will be considered excessive. The barrel test as described in 10 CSR 20-8.020(16) is an acceptable water balance study. Other tests will require department approval.]*

[(L)](J) *Depth Gauges.* A permanent depth measurement gauge or marker shall be installed and maintained in the basin [and shall be] **that is** easily readable at one-foot (1') [increments] or smaller[. It shall] **increments and** clearly displayed [the] lower, [and] upper, [operating] **and emergency spillway** levels [and the spillway elevation. The gauge shall be placed in a suitable location where it is easily accessible during routine operations].

[(M) *Sludge Removal.* Sludge levels shall be maintained so as to not reduce the approved storage volume of the basin.

(N) *Protection of clay liner.* The minimum liquid depth at maximum drawdown shall be two feet (2').]

[(O)](K) *Piping.* [Piping through the lagoon berm shall be located at a point of minimum fill, preferably on cut slope,] **Fill around pipes installed through embankments shall be compacted to prevent seepage and pressurized piping must be valved.** Valves are not required on gravity piping into the lagoon.

[(P)](L) *Safety.* Consideration [should] **shall** be given for safety in using open storage structures including the use of prevention and recovery components.

[(Q)](M) *Operation and Maintenance.* An operation and maintenance plan is required addressing the major components of the animal waste management system.

[(7)](6) **Construction of Tanks and Pits. Construction of tanks and pits shall meet the following requirements:**

(A) *Soils and Foundation.* A thorough site investigation shall be made to determine the physical characteristics and suitability of the soil and foundation for the fabricated storage structure. **Position** [T]the floor of the below-ground storage tanks [shall be] two feet (2') above the groundwater table [unless curtain drains or interception drains are installed around the perimeter of the structure to permanently lower the water table. The drain shall be at an elevation of at least one foot (1') below the floor to permanently lower the water table. A sump or a positive outlet for the drain shall be provided.];

(B) [Depth Allowance for Agitation and Ventilation. An allowance of] **Allow** one foot (1') [should be provided] **of depth** at the top of covered structures for agitation and/or ventilation [requirements.];

(C) [Depth Gauges. Uncovered tanks and pits shall i]Include a permanent depth measurement gauge or marker that is easily readable at one-foot (1') [increments] or smaller[.] **increments for uncovered tanks and pits;**

(D) [Footings Drains/Perimeter Tiling.] Use [P]perimeter tiling and granular backfill [are required] for below-ground pits [unless justification is given that they are not needed. Tiles should be located below the base of the outside of the footing. At least two feet (2') of granular drain material, such as pea gravel or three-quarter inch (3/4") crushed rock shall be placed around the tile. A positive outlet or sump for the drain shall be provided.];

(E) **Locate** [T]tank and pit footings [are to be located] at or below the maximum frost depth [unless adequate justification is given that it is not needed. A compacted foundation of frost-free material such as drained granular material, extending to below frost depth, may be used as an alternate to extending the structural footing.];

(F) **Design** [C]concrete and steel features [shall be designed] according to published guidelines. [These guidelines must be referenced in the application packet.]; **and**

(G) [Watertight Requirement.] **Design and construct** [T]tanks and pits [must be designed, constructed, and maintained] to be watertight.

*[(8)](7) Construction of Solid Manure Components. [This section covers the construction of] The following requirements shall be met when constructing poultry buildings, open lots, stacking pads, stacksheds, and other similar structures[.];*

*(A) Divert [S/surface water [shall be diverted around or] away from animal confinement areas and buildings[.];*

*(B) Floors and Pads. Construct [T/the base of covered and uncovered lots, poultry buildings, and other solid manure storage areas [can be made] of concrete or other rigid, essentially watertight materials or from a firm, compacted, earthen base [that meets the following criteria:] of Unified Soil Classification System (USCS) class CH, MH, CL, GC, or SC soils*

*[1. The base can utilize existing consolidated soils if there is one (1) continuous foot of soil classified as class CH, MH, CL, GC, or SC in the Unified Soil Classification System (USCS) within four feet (4') of the proposed earthen floor;*

*2. The finished earthen floor shall be] a minimum of two feet (2') above the groundwater table [as modified by subsurface drainage;]*

*[3. The finished earthen floor shall be] and be at least two feet (2') above bedrock;*

*[4. The compacted earthen base shall be constructed from soils classified as Unified Soil Classification System (USCS) class CH, MH, CL, GC, or SC;*

*5. Inplace soils, amended soils, or borrow soils shall meet permeability group III or IV as defined by the United States Department of Agriculture's (USDA's) National Engineering Handbook, Agricultural Waste Management Field Handbook or other soil permeability description; and*

*6. The use of one (1) five-foot- (5'-) deep test pit, near the center of each proposed set of four (4) buildings, or each acre, will generally be sufficient to satisfy the intent of this section.]*

*(C) Uncovered solids storage areas must also meet the following:*

*1. Have an overall slope between two percent (2%) and four percent (4%) for unpaved lots;*

*2. Be maintained in a way that prevents ponding; and*

*3. Have a runoff collection structure that meets the requirements of this rule.*

*[(D) Roofed areas of five thousand (5,000) square feet or less, that are used for mortality composting or to store solid manure, are exempt from the requirements of this section.]*

*[(9) Temporary Stockpiling of Dry Process Waste.*

*(A) Temporary stockpiling of uncovered dry process waste within the production area, without runoff collection, is not allowed.*

*(B) Temporary stockpiling within the land applications areas shall be in accordance with the following:*

*1. Location.*

*A. Any temporary stockpiles need to be placed to prevent storm water from draining into or through the pile. If storm water does drain through the pile, a one-foot (1') berm will be required on the up-slope side of the pile.*

*B. No location shall be used for stockpiling for more than two (2) weeks, unless the pile is covered.*

*C. Separation distances shall be maintained between the stockpile and other features as follows:*

*(I) Three hundred feet (300') from any losing stream, well, sinkhole, water supply (for human consumption) reservoir, nonowned dwelling or residence, public building, or public use area;*

*(II) One hundred feet (100') from intermittent and permanent flowing streams; and*

*(III) Fifty feet (50') from public roads and property lines.*

*D. Stockpiles cannot be placed on slopes steeper than*

*six percent (6%);*

*2. Size. No temporary storage site can be larger than two (2) acres;*

*3. Formation. All piles shall be placed so as to minimize forming pockets, hollows, or mini-dams that would collect and hold water. One (1) pile with an angle of repose so that it forms a crust and will tend to shed water off the pile will be the desirable design. If there are two (2) or more stockpiles, they should be placed far enough apart that they do not trap and hold water;*

*4. In no case shall runoff from a stockpile cause a violation of water quality standards.]*

*[(10)](8) Design and Construction of Pipelines, Pump Stations, and Land Application Systems.*

*(A) General. Design of pipelines shall be [in accordance with sound engineering principles considering the manure properties, management operations, exposure, etc.] based on the following requirements:*

*1. [The minimum pipeline capacity from storage/treatment facilities to utilization areas shall e]Ensure the storage/treatment facilities can be emptied within the time limits stated in the nutrient management plan[.];*

*2. [All pipes shall be designed to c]Convey the required flow without plugging, based on the type of material and total solids content[.];*

*3. [All pressure pipelines shall be i]Install[ed] at a depth sufficient to protect against freezing[.];*

*4. [Pipelines shall be i]Install[ed] with appropriate connection devices to prevent contamination of private or public water supply distribution systems and groundwater[.];*

*5. Size [P/pumps [shall be sized] to transfer material at the required system head and volume[.]; [Type of pump shall be based on the consistency of the material and the type of solids. Requirements for pump installations shall be based on manufacturer's recommendations.]*

*6. [The top of all pipelines entering or crossing streams shall be at sufficient depth below the natural floor of the stream bed to protect the pipe. The top of the pipe should be] Install a minimum of three feet (3') below the natural stream floor[. Pipelines crossing streams should be designed to cross the stream] and as nearly perpendicular to the stream flow as possible[. Aerial pipeline crossing of streams shall be in accordance with 10 CSR 20-8.120(9).];*

*7. Encase when [B/buried [pipeline crossings] under public roads [shall be properly cased.]; and*

*8. Separate from [P]potable water lines [and buried manure pipeline separation. There shall be no permanent physical connection between a potable water supply and buried manure pipeline or appurtenances thereto which will permit the passage of wastewater or contaminated water into the potable water supply. Whenever possible, buried manure pipelines and pump stations should be located] at least ten feet (10') horizontally [from any existing or proposed water line. Should local conditions prevent a lateral separation of ten feet (10'), a manure pipeline may be laid closer than ten feet (10') if it is in a separate trench or if it is in the same trench with the waterline located at one (1) side on a bench of undisturbed earth. In either case, the elevation of the top of the manure pipeline must be] and at least eighteen inches (18") below the base of the water line.*

*9. Aerial pipeline crossings of streams shall:*

*A. Provide support for all joints in pipes utilized in the crossing;*

*B. Protect from the impact of flood waters and debris; and*

*C. Be constructed so that they will remain watertight and free from changes in alignment or grade.*

(B) Gravity Pipelines. **Design of pipelines shall be based on the following requirements:**

1. *[The] Use a minimum slope [for a gravity pipe installation is] of one percent (1%) for four inch (4") pipe, six-tenths percent (0.6%) for six inch (6") pipe, and four-tenths percent (0.4%) for eight inch (8") pipe[.];*

2. **Design with [C]clean-outs [access shall be provided for gravity pipelines] at a maximum interval of three hundred feet (300') [unless an alternative design is approved. Gravity pipelines shall not have] and with maximum horizontal curves [or bends except minor deflections (less than) of ten (10) degrees[. in the] at pipe joints [unless special design considerations are used.]; and**

3. **Design [G]gravity discharge pipes used for emptying a storage/treatment structure [shall have] with a minimum of two (2) [gates or] valves in series[, one (1) of which shall be manually operated].**

(C) Force Mains and Pressure Pipes. *[To minimize settling of solids in the pipeline, d]Design velocities shall be between three (3) and six (6) feet per second.*

(D) Testing. Hydro-pressure tests shall be made only after the completion of backfilling operations *[and after the concrete thrust blocks have set for at least thirty-six (36) hours.] and*

*[1. The duration of pressure tests shall be] for a minimum of one (1) hour [unless otherwise directed by the engineer.]*

*[2. The] using a minimum test pressure [shall be] of the maximum system operating pressure. [All tests are to be conducted under the supervision of the engineer.]*

*[3. The pipe line shall be slowly filled with water. The specified pressure measured at the lowest point of elevation shall be applied by means of a pump connected to the pipe in a manner satisfactory to the engineer.]*

(E) Pump Stations.

1. Water supply protection. *[There shall be no physical interconnection between any potable water supply and a] Manure pump stations [or any of its components which under any conditions might cause contamination of a potable water supply unless otherwise approved by the Missouri Geological Survey. Manure pumping stations] shall not be connected to a potable water supply and shall be located at least three hundred feet (300') from any potable water supply well.*

2. Alarm systems. Alarm systems are required for pumping stations *[where a failure could cause an overflow. Alarm systems shall be] that are activated in cases of power failure, pump failure, or any cause of high water in the wet well.*

(F) Land Application Systems. *[The following shall be considered in the design of land application systems] Land application systems shall be designed with:*

1. *[Any s]Spray application equipment specified [shall] that minimizes the formation of aerosols;*

2. The pumping system and distribution system *[shall be] sized for the flow and operating pressure requirements of the distribution equipment and the application restrictions of the soils and topography;*

3. Provisions *[shall be made] for draining the pipes to prevent freezing, if pipes are located above the frost line;*

4. A suitable structure *[shall be] provided for either a portable pumping unit or a permanent pump installation[.], [T]the intake to the pumping system [shall provide] providing the capability for varying the withdrawal depth[.], [T]the intake elevation [should be] maintained twelve to twenty-four inches (12"-24") below the liquid elevation[.], [T]the intake [shall be] screened so as to minimize clogging of the sprinkler nozzle or distribution system orifices[.], and, [F]for use of a portable pump, a stable platform and flexible intake line with flotation device to control depth of intake [will be acceptable];*

5. Thrust blocking of pressure pipes *[shall be provided. For use of above-ground risers for sprinklers, a concrete pad and support bracing should be considered]; and*

6. **An [A]automatic pump or engine shut-offs in case of pressure drop[, are required].**

*[(11)](9) General System Details.*

(A) Mechanical Equipment. Mechanical equipment shall be used and installed in accordance with manufacturers' recommendations and specifications[.] **and [M]major mechanical units [should be] installed under the supervision of the manufacturer's representative.**

*[(B) Construction Materials. Due consideration should be given to the use of construction materials which are resistant to the action of hydrogen sulfide and other corrosives frequently present in manure.*

*[(C) Grading and Groundcover. Upon completion of construction, the ground shall be graded and reseeded to prevent erosion and the entrance of surface water into any storage structure or animal confinement area.]*

*[(D)](B) Potable Water Supply Protection. No piping or other connections shall exist in any part of the animal waste management system, which[, under any conditions, might cause the contamination of a potable water supply.*

*[(12) Groundwater Monitoring. An approved groundwater monitoring program may be required around the perimeter of a manure storage site and/or land application areas to facilitate groundwater monitoring. The necessity of a groundwater monitoring program, which may include monitoring wells and/or lysimeters, will be determined by the Missouri Geological Survey on a case-by-case basis and will be based on potential to contaminate a drinking water aquifer due to soil permeability, bedrock, distance to aquifer, etc. Where the Missouri Geological Survey has deemed groundwater monitoring necessary, a geohydrological site characterization will be required prior to the design of the groundwater monitoring program.]*

*[(13)](10) Mortality Management.*

*[(A)] Class I operations shall not use burial as a permanent mortality management method to dispose of routine mortalities.*

*[(B) Operations shall first receive approval from the department before burying significant numbers of unexpected mortalities and shall conduct the burial in accordance with Missouri Department of Agriculture requirements. Rendering, composting, incineration, or landfilling, in accordance with Chapter 269, RSMo, shall be considered acceptable options and do not require prior approval.]*

**AUTHORITY:** sections 640.710[, RSMo 2000,] and [section] 644.026, RSMo [Supp. 2014] **2016.** Original rule filed July 14, 2011, effective April 30, 2012. Amended: Filed Jan. 26, 2016, effective Oct. 30, 2016. Amended: Filed June 15, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to [john.rustige@dnr.mo.gov](mailto:john.rustige@dnr.mo.gov). Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 20—Clean Water Commission**  
**Chapter 8—Minimum Design [Guides] Standards**

**PROPOSED AMENDMENT**

**10 CSR 20-8.500 Design Requirements for Agrichemical Facilities.** The Clean Water Commission is amending the purpose, deleting sections (1), (4), (13), (14), and (15), amending and renumbering sections (2), (3), (5)–(9).

*PURPOSE: This amendment will retain and add minimum design standards for agrichemical facilities that are required to protect or improve public health, safety, and water quality.*

*PURPOSE: [The following criteria serve as a guide for the design, construction, and operation of primary, secondary, and operational containment structures at bulk agrichemical facilities.] This rule specifies the minimum standards for the design of agrichemical facilities. It does not address all aspects of design, and the design engineer may refer to other appropriate reference materials so long as these minimum standards set forth in this rule are met.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

*[(1) Definitions. Definitions as set forth in the Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise. Where the terms shall and must are used, they are to mean a mandatory requirement insofar as approval by the agency is concerned, unless justification is presented for deviation from the requirements. Other terms such as should, recommend, preferred and the like, indicate discretionary requirements on the part of the agency and deviations are subject to individual consideration.]*

*[(2)](1) [General. A facility need only to comply with these rules when they come within the definition of an agrichemical facility. Any construction after the effective date of this rule shall be in compliance with all of these rules before the commencement of any operational activities or any storage or use of agrichemicals. Any existing agrichemical facility that has a discharge of agrichemicals or process generated wastewater is required to take immediate steps to implement the secondary and operational containment requirements contained in this rule in addition to any other remedy required. All new operations shall be designed to be no discharge.] Applicability. This rule applies to all new agrichemical facilities and to the construction of new secondary and operational containment of agrichemicals at existing facilities. All facilities to which this rule applies shall be designed as no-discharge systems.*

*[(3)](2) Exceptions. [The following exceptions shall apply to agrichemical facilities:]*

*[(A) This rule shall not apply to agrichemical facilities storing or handling less than the regulated quantities of agrichemicals unless an on-site evaluation by the department determines that compliance with the regulations is necessary to protect the environment.*

*(B) Liquid fertilizer storage tanks that were in use prior to January 13, 1992, having a storage capacity greater than forty thousand (40,000) gallons shall be exempt from the requirement of installing a liner underneath the tank itself. Spill containment diking is required around these tanks. These facilities shall submit to the department for approval a program outlining the monitoring, tank testing, and record keeping that will be done at the facility to document that a release of agrichemicals from these tanks has not occurred either to surface or subsurface waters of the state.]*

*[(C)](A) The prohibition of storing bulk liquid fertilizer in a mobile container for more than thirty (30) days shall not apply to barges and rail cars used solely for transporting liquid fertilizer from chemical production facilities to retail or wholesale facilities.*

*[(D)](B) The prohibition of burying pipes used for transferring full strength agrichemicals shall not apply to piping used solely for the loading and unloading of liquid fertilizer from barges and rail cars. These pipes shall be pressure tested on a yearly basis to certify the integrity of the pipes. Records of the pressure testing shall be kept on file at the facility and made available to Missouri Department of Natural Resources (department) personnel upon request.*

*[(4) Deviations. The department may require a construction permit with a substantial deviation from these requirements as addressed in 10 CSR 20-6.010. Deviations from these rules may be approved by the department when engineering justification satisfactory to the department is provided. Justification must substantially demonstrate in writing and through calculations that a variation(s) from the design rules will result in either at least equivalent or improved effectiveness. Deviations are subject to case-by-case review with individual project consideration. Containment structures for agrichemical facilities that are not addressed or covered in this design guide are considered deviations. A written request for any deviation must include a certification that indicates compliance with all other design guide requirements.]*

*[(5)](3) Engineering Report. An engineering report is required for all facilities required by 10 CSR 20-6.010 to submit an application for a construction permit [and is recommended for all facilities]. [The engineering report assembles basic information, presents design criteria and assumptions, examines alternate projects with preliminary layouts and cost estimates, offers a conclusion with a proposed project for client consideration, and outlines official actions and procedures to implement the project. Engineering reports shall contain the following information and other pertinent information and may be combined with other engineering documentation:]*

*[(A) Title of project, agrichemical facility name and address, name and address of firm preparing the report, seal and signature of the professional engineer in charge of project;*

*(B) Introduction. Reasons for the report and circumstances leading up to the report;*

*(C) Existing conditions at the agrichemical facility and proposed construction at the facility shall be discussed;*

*(D) Design criteria—*

*1. Design and sizing of secondary and operational containment structures should be discussed;*

*2. Process diagrams. A process configuration showing the interconnection of all pumps, piping, and storage tanks associated with the operation of the agrichemical facility should be shown;*

*(E) The process by which bulk chemicals are received, unloaded, and transferred within the facility should be discussed. The mixing, loading, and unloading of spreading or spraying equipment should be discussed. All cleaning of*

chemical handling equipment, spraying or spreading vehicles, nurse vehicles, and containment areas should be discussed. Collection, storage and disposal of rinsates, process generated wastewaters, and collected precipitation should be discussed. Collection, treatment, and disposal of all domestic wastewater flows associated with the facility should be discussed;

(F) Method of operation, estimation of the number of cropping programs for which agrichemical services will be provided, sources of wastewater, proposed disposal or treatment practices, and the project recommended to client for construction shall be included; and

(G) Antidegradation must be implemented according to the procedures in 10 CSR 20-7.031(3)(D).]

[(6)](4) Primary Containment for Bulk **Liquid** Agrichemicals for new construction. Containers and appurtenances used as the primary containment in the storage and handling of bulk agrichemicals shall be constructed, installed, and maintained to prevent a discharge and shall be of materials and construction compatible with the specifications of the product stored[.] **with:**

(A) [In the event of a discharge or accumulation of storm water in the secondary containment area storage containers subject to flotation shall be anchored or placed on a raised stand to prevent flotation of the container in the event of a discharge or accumulation of storm water in the secondary containment area. The anchoring devices used to secure the storage container as well as any support structure for the storage container shall not compromise the structural integrity of the containment area or the ability of the containment area to adequately contain liquids that have accumulated in the containment area.] **Tank anchors or raised stands;**

(B) [All containers and appurtenances shall be designed] **For self-supporting tanks, the ability** to handle all operating stresses, [taking into account] hydrostatic head, pressure buildup from pumps and compressors and any other mechanical stresses to which the containers and appurtenances may be subject to in the foreseeable course of operation[.];

(C) **No** [E]external sight gauges [shall not be] used with bulk pesticide storage containers[.];

(D) [External sight gauges may be used for bulk liquid fertilizer containers, but the gauge shall have a l]Lockable valves **for bulk liquid fertilizer containers** located between the sight gauge and the storage container [so that if the sight gauge is damaged, the contents of the storage container will not leak out.];

(E) [The] **A lockable** main discharge valve [from the storage container shall be lockable.];

(F) All appurtenances [shall be] protected against damage from operating personnel and moving vehicles[. All appurtenances shall be] and located within the secondary containment or operational containment area[.];

(G) **All** [S]storage **structures** [of] **for** bulk liquid pesticides or bulk liquid fertilizers [in an underground storage tank as defined by 10 CSR 20-10.010 is prohibited. This prohibition does not apply to a water-tight catch basin used for the temporary collection of runoff or rinsate from transfer and loading areas.] **located above ground; and**

(H) [All filling of containers acting as the primary containment vessel shall be done in a manner that the individual handling the transfer hose has both feet on the floor of the containment structure or a working platform adjacent to the container. The transfer hose used in the filling process shall be securely connected to the storage container by appropriate plumbing connections.] **Secure transfer hose connections.**

[(7)](5) Secondary Containment for Bulk **Liquid** Agrichemicals for new construction. Secondary containment for nonmobile bulk **liquid** pesticides and nonmobile bulk **liquid** fertilizers shall be designed to

contain any spilled product to prevent a discharge[.] **with—**

(A) [Nonmobile Bulk Liquid Pesticides.] **Containment structures sized according to 40 CFR Part 165.85(c)(1) & (2) as published October 29, 2008. This standard is hereby incorporated by reference into this rule as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004. This rule does not incorporate any subsequent amendments or additions;**

[1. The volume of the secondary containment area when not protected from precipitation shall have a minimum volume of one hundred twenty-five percent (125%) of the volume of the largest storage container located within the containment area plus the space occupied by any other tanks located within the containment area.

2. The volume of the secondary containment when protected from precipitation shall have a minimum volume of one hundred ten percent (110%) of the volume of the largest storage container located within the containment area plus the space occupied by any other tanks located within the containment area;]

[3. The secondary containment structure shall not have a]

(B) **No** discharge outlet or gravity drain through the wall or floor of the containment structure[.];

[4.](C) The walls and floors [of the secondary containment structure for nonmobile bulk liquid pesticide containers shall be] constructed of [suitable] material that is compatible with the specifications of the product being stored[. The walls and floors shall be]; resistant to penetration by moisture and agrichemicals[. The walls and floors shall be]; **and** designed to support the gravity load of the storage containers and any hydrostatic loads that would result from a massive spill within the containment structure[.];

[5. For concrete floors and walls,]

(D) [e]Expansion joints [shall be] spaced to prevent cracks from forming[. The joints shall be]; sealed with a material resistant to agrichemicals[.]; **and with** [W]water stops [shall be] installed between the containment walls and floor[.];

[6.](E) A collection sump [may be included in the secondary containment area. The structure], **if needed**, shall not be more than two feet (2') deep or [hold more than one hundred fifty (150) gallons of liquid. The sump shall be] **larger than 20 cubic feet**; constructed of materials that resist penetration by moisture and agrichemicals[. The]; **with a sealed** connection point between the containment area floor; and [the sump shall be sealed to prevent leakage of liquids from the containment area. The secondary containment structure floor should be sloped to the collection sump to allow for removal of liquids accumulating in the containment area.] **at a low point in the containment area to allow for removal of accumulated liquids;**

[7.](F) No piping [shall be] installed through the walls or floor [of the secondary containment structure] except for **through common**, interconnecting [more than one (1) bulk liquid pesticide containment structure to another having a common wall.] **containment walls and** [A]all piping entering and leaving the secondary containment structure shall go up and over the containment walls[.];

[8.](G) **No buried transfer** [P]piping [used for transferring full strength agrichemicals, process wastewaters, and rinsates shall not be buried underground.];

[9.](H) [Secondary containment for] **Separation of** bulk liquid pesticides and bulk liquid fertilizers [shall be separated at a minimum] with a common wall[. There shall be] **and with no** [interconnection of] **interconnecting** piping [through a common wall between a bulk liquid pesticide secondary containment structure and a bulk liquid fertilizer secondary containment structure.]; **and**

[10.](I) **All** [A]auxiliary tanks for storage of rinsate or precipitation collected in the secondary or operational containment area [shall be] located within a secondary containment structure.

*[(B) Nonmobile Bulk Liquid Fertilizer.*

1. The volume of the secondary containment area when not protected from precipitation shall have a minimum volume of one hundred twenty-five percent (125%) of the volume of the largest storage container located within the containment area plus the space occupied by any other tanks located within the containment area.

2. The volume of secondary containment area when protected from precipitation shall have a minimum volume of one hundred ten percent (110%) of the volume of the largest storage container located within the containment area plus the space occupied by any other tanks located within the containment area.

3. The secondary containment structure shall not have a discharge outlet or gravity drain through the wall or floor of the containment structure.

4. The walls and floors of the secondary containment area for nonmobile bulk liquid fertilizer containers shall be constructed of suitable material compatible with the specifications of the product being stored. The walls and floors shall be designed to support the gravity load of the storage tanks and the hydrostatic loads of a massive spill within the containment structure.

A. Floors and walls may be covered by a synthetic liner installed according to the manufacturer's written directions and repaired and maintained according to the manufacturer's recommendations. The liner shall have an in-place permeability of  $1 \times 10^{-7}$  cm/sec. or less. The liner material shall be compatible with the chemicals being stored and the liner shall be resistant to punctures, abrasion, cracking, and weathering.]

**[(J) Earthen structures used for secondary containment shall be designed as follows:**

[B.]1. [Floors and walls may b]Be constructed [of suitable] with a compacted soil [so that the finished compacted] liner or synthetic liner with a permeability rate of [the floor and berm walls shall be]  $1 \times 10^{-7}$  cm/sec. or less.

[C. Soils used in the construction of the walls and floors of the secondary containment structure may be treated with bentonite clay so that the finished compacted permeability rate of the floor and berm walls shall be  $1 \times 10^{-7}$  cm/sec. or less.]

[D.]2. [The inner and outer slope and floors of an earthen secondary containment structure should b]Be protected against erosion [for example, top soil placed over the seal with sodding or seeding, a compacted layer of washed river gravel or riprap material of a suitable size]. If the inner side slope and floors of the containment structure are seeded or sodded, a six inch (6")-layer of top soil shall be placed over the floor and side slope prior to seeding or sodding to prevent the roots of the cover material from penetrating the earthen liner. Long rooted grasses shall not be used for seeding the side slopes and floors. If gravel or riprap is used inside the containment structure, the depth of the gravel or riprap layer shall be at least six inches (6") in depth.] with [S]side slopes [of the earthen containment structure should] no[t be] steeper than [a] three to one (3:1) [ratio of horizontal to vertical. The] and with a top width [of earthen walls should] no[t be] less than two and one-half feet (2 1/2').

[E. Floors and walls may be constructed of concrete or steel provided the material is protected from corrosion or deterioration from the materials being stored.

5. For concrete floors and walls, expansion joints shall be spaced to prevent cracks from forming. The joints shall be sealed with a material resistant to agrichemicals. water stops shall be installed between the containment walls and floor.

6. A collection sump may be included in the secondary

containment area. The structure shall not be more than two feet (2') deep or hold more than one hundred fifty (150) gallons of liquid. The sump shall be constructed of materials that resist penetration by moisture and agrichemicals. The connection point between the containment area floor; and the sump shall be sealed to prevent leakage of liquids from the containment area. The secondary containment structure floor should be sloped to the collection sump to allow for removal of liquids accumulating in the containment area.

7. No piping shall be installed through the walls or floor of the secondary containment structure except for interconnecting more than one (1) bulk liquid fertilizer containment structure to another and piping exempted in subsection (3)(D). All piping entering and leaving the secondary containment structure shall go up and over the containment walls.

8. Piping used for transferring full strength agrichemicals, process wastewaters and rinsates shall not be buried.

9. Auxiliary tanks to hold rinsate or precipitation collected in the secondary or operational containment area shall be located within a secondary containment area.]

**[(C)](6) Nonmobile [B]bulk [D]dry [F]fertilizer [S]storage[.] shall be designed to—**

[1.](A) [Dry fertilizer shall b]Be stored inside a sound structure to prevent contact with precipitation[.] with [A]all surface water runoff [shall be] diverted away from the storage structure[.];

[2.](B) Allow for [A]all unloading, loading, mixing, and handling of dry bulk fertilizers [should] to be done on an operational containment area[.];

[3.](C) [Pesticide impregnation of dry fertilizer shall take place within] Have an adequately sized operational containment area [adequate in size] to hold the volume of pesticides used and impregnation equipment[.];

[4.](D) Allow for [D]daily cleanup of the dry fertilizer loading, unloading, mixing, and handling areas [shall take place.];

[5. Whenever feasible, dry fertilizer spreading equipment should be cleaned in the field to minimize containment and disposal requirements at the operational containment area.]

[6.](E) [The floors of the bulk dry fertilizer storage area shall be paved with concrete or other approved materials that will p]Prevent the downward movement of fertilizer materials and moisture through the floor[. For concrete floors and walls,] with expansion joints [shall be placed on a close enough spacing] spaced to prevent cracks from forming[. The expansion joints shall be] and sealed with a material resistant to agrichemicals[. Cracks that occur in the floors and walls shall be sealed to prevent the downward or lateral movement of fertilizer materials and moisture.]; and

[7.](F) Have [A]a mixing and loading pad [shall be] constructed under any exterior transfer area of a conveyance system.

**[(D)](7) Nonmobile [B]bulk [D]dry [P]pesticide [S]storage[.] shall be designed to—**

[1.](A) [Dry pesticides shall b]Be stored inside a sound structure to prevent contact with precipitation[.] and with [A]all surface water runoff [shall be] diverted away from the storage structure[.];

[2.](B) Allow for [A]all loading, mixing, and handling of bulk dry pesticides [should] to be done on an operational containment area[.];

[3.](C) Allow for [D]daily cleanup of the bulk dry pesticide loading, unloading, mixing, and handling areas [shall take place.];

[4. Whenever feasible, bulk dry pesticide spreading equipment should be cleaned in the field to minimize containment and disposal requirements at the operational containment area.]

[5.](D) [The floors of the bulk dry pesticide storage area shall be paved with concrete or other approved materials that will p]Prevent the downward movement of pesticides [materials] and moisture through the floor[. For concrete floors and



walls,] with expansion joints [shall be placed on a close enough spacing] spaced to prevent cracks from forming[. The expansion joints shall be] and sealed with a material resistant to agrichemicals[. Cracks that occur in the floors and walls shall be sealed to prevent the downward or lateral movement of pesticide materials and moisture.]; and

[6.](E) Have [A/a] mixing and loading pad [shall be constructed] under any exterior transfer area of a conveyance system.

(8) Operational [C/]containment for bulk liquid pesticides and bulk liquid fertilizers for new construction[. The operational containment area for bulk liquid pesticides and bulk liquid fertilizers] shall be designed to [contain any product discharged or collected precipitation for the amount of time required for proper cleanup and recovery.];

[(A) Wherever feasible, application equipment should be rinsed in the field to minimize containment and disposal requirements at the operational containment area.]

[(B)](A) [Precipitation should be diverted] Divert runoff away from the operational containment area[.];

(B) Contain any spilled product and any collected precipitation for the amount of time needed for proper cleanup and recovery;

(C) [The] Have a minimum volume of [the operational containment area shall be] one hundred ten percent (110%) of the volume of the largest vehicle that will be loaded or unloaded in the operational containment area. This volume may be achieved through the use of above ground tank(s) located within the secondary containment area connected to an automatic sump pump in the operational containment area[.];

(D) Have [A/a] sediment trap and sump [may be designed in the operational containment area. The structure shall], if needed, not [be] more than two feet (2') deep or [hold more than one hundred fifty (150) gallons of liquid. The sump shall be] larger than 20 cubic feet and constructed of materials that resist penetration by moisture and agrichemicals[. The] with a sealed connection point between the operational containment area floor and the sump [shall be sealed] to prevent leakage of liquids from the containment area[.];

(E) [The operational containment area shall e]Extend beneath any pump, appurtenance, or plumbing connection not located within the secondary containment area and that is used to transfer liquid fertilizer or pesticide[.]; and

(F) Allow for [B/bulk] repackaging containment of agrichemicals [may be satisfied by the operational containment area].

(9) Operational Containment Area for bulk dry pesticides and bulk dry fertilizers for new construction[. The operational containment area for bulk dry pesticides and bulk dry fertilizers] shall be sized [and designed] to [contain any spillage or leakage of dry materials that occurs from the loading and unloading of hauling or spreading equipment and from the mixing and blending equipment or precipitation that comes in contact with the operational containment area for the amount of time required for proper cleanup and recovery.]—

[(A) Wherever feasible, spreading equipment should be cleaned in the field to minimize containment and disposal requirements at the operational containment area.]

[(B)](A) [Precipitation should be diverted] Divert runoff away from the operational containment area[.];

(B) Contain any spillage of dry materials that occurs from loading, unloading, or hauling; from spreading equipment; and from mixing and blending equipment. Operational containment areas must also contain precipitation that comes in contact with the operational containment area for the amount of time needed for proper cleanup and recovery;

(C) [Individual catchment basins or portable pans/containers may be used to satisfy the requirement for operational containment. The individual basins or portable containers shall be placed to c/Catch or recover spillage and leakage from

transfer connections and conveyors[.] with the use of individual catchment basins or portable pans/containers; and

(D) [For unloading dry pesticides and dry fertilizers from rail cars, a catchment basin or concrete pad that can e/Effectively contain the dry fertilizer or pesticide that may be [discharged] spilled during the unloading process [shall be used] from rail cars.

(12) Operation and Management of Agrichemical Facilities. [Bulk agrichemicals shall be stored, handled, transported, loaded, and unloaded in a manner to prevent discharge that may result in unreasonable adverse effects to humans or the environment. All applicable hazards of the pesticide shall be considered in the handling and loading practices to ensure proper protection of facility personnel and the environment.]

[(A) Spills occurring within the secondary containment and operational containment area shall be recovered promptly. All waste and wastewater associated with the recovery process shall be disposed of in accordance with the permit for the facility and the product labeling.

(B) Precipitation collected in the secondary containment and operational containment area shall be disposed of in accordance with the permit for the facility.

(C) Field application of rinsate and collected precipitation is acceptable and recommended.

[(D) Appropriate security measures at the agrichemical facility, such as lighting or security fencing to discourage ready access by unauthorized personnel to the facility when unattended, are encouraged.

(E) Agrichemical rinsates or collected precipitation shall not be disposed through storm sewers, sanitary sewer systems, or waters of the state without an approved permit.

(F) Prior to repackaging or refilling mobile containers, the containers must be thoroughly cleaned and inspected except when a dedicated pesticide container is refilled and the tamper indicator is otherwise intact.

(13) Emergency and Discharge Response Plan. The operator of a bulk agrichemical facility shall prepare a written emergency and discharge response plan for the storage facility. The plan shall comply with Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III requirements.

(14) Plans.

(A) General. All plans for primary, secondary, and operational containment structures for new construction at agrichemical facilities shall bear the name of the agrichemical facility and shall show the scale in feet, a graphic scale, the north point, date, and the name of the engineer, certificate number and imprint of his/her registration seal. The plans shall be clear and legible. They shall be drawn to a scale which will permit all necessary information to be plainly shown. The size of the plans generally should not be larger than thirty inches by forty-two inches (30" × 42") (76 cm × 107 cm). Datum used should be indicated. Locations and logs of test borings and when made shall be shown on the plans. Detail plans shall consist of plan views, elevations, sections, and supplementary views which, together with the specifications and general layouts, provide the working information for the contract and construction of the containment facilities. Plans shall include dimensions and relative elevations of structures, the location and outline form of equipment, storage tanks, location and size of piping, and ground elevations.

(B) Plans for new construction.

1. Location plan. A plan shall show the location of the agrichemical facility in relation to streams, roads, water supply systems, property lines, and any dwellings or structures not owned by the agrichemical facility in the immediate area



of the facility.

2. **General layout.** Layouts of the proposed agrichemical containment facility shall show topography of the site, size, and location of storage tanks and containment structures, schematic flow diagram showing the flow through the various agrichemical mixing and handling systems, piping including any arrangements for bypassing individual systems, agrichemical handled and direction of flow through pipes, pumps and valves used for handling agrichemicals, storage areas for waste materials that cannot be reused (mud and sediment from sumps, dry fertilizer, and pesticide materials accumulated during clean up processes, etc.), any test borings showing soil and rock elevations and composition at the proposed site, and information showing existing groundwater elevations in relation to proposed liner installation and containment area floors shall be provided.

3. **Detail plans.** Unless otherwise covered by the specifications or engineer's report, detail plans shall show location, dimensions, and elevations of all existing and proposed facilities; elevations of high and low groundwater level; size, pertinent features, and operating capacity of all pumps, tanks, containment areas, and other mechanical devices associated with the operation of the agrichemical facility and adequate description of any other features pertinent to the design and operation of the agrichemical containment facility.

(15) **Specifications.** Complete technical specifications for new construction shall be included with the plans. The specifications included with construction drawings shall include, but not be limited to, all construction information not shown on the drawings which is necessary to inform the builder in detail of the design requirements as to the quality of materials and workmanship and fabrication of the project and type, size, strength, operating characteristics, and rating of equipment; the complete requirements for all mechanical and electrical equipment, including machinery, valves, piping and jointing of pipe; electrical apparatus, wiring, and instrumentation; operating tools; construction materials; special construction materials such as clay, sand, concrete, or steel; miscellaneous appurtenances; instructions for testing materials and equipment as necessary to meet design standards and performance tests for the completed works and component units. It is suggested that these performance tests be conducted at the design conditions for the operation of the agrichemical facility whenever practical.]

**AUTHORITY:** sections 644.026 and 644.036, RSMo 2016. Original rule filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed Aug. 1, 2016, effective April 30, 2017. Amended: Filed June 15, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by August 23, 2018. The public hearing is scheduled for 10 AM, on August 15, 2018, at the Department of Natural Resources, Elm Street Conference Center, Bennett Springs Conference Room, 1730 East

Elm Street, Jefferson City, Missouri 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 20—Clean Water Commission

#### Chapter 9—Treatment Plant Operations

#### PROPOSED AMENDMENT

**10 CSR 20-9.010 Wastewater Treatment Systems Operation Scope Monitoring.** The department is amending sections (1), (2), (3), and (4), removing from (5)(A), and (B), and adding (C), and renumbering thereafter. Removing and replacing language in (6), removing (7) and renumbering, removing (9), (10), and (11).

**PURPOSE:** The amendment will revise minimum operational monitoring requirements for wastewater treatment facilities to include technologies that are not reflected in the current rules.

(1) **Definitions.** Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 [shall] apply to the terms to be used in this rule, unless the context clearly requires otherwise.

(2) Operational laboratory tests and related monitoring for wastewater treatment systems control [shall be considered as] are a supplement to the [National Pollutant Discharge Elimination System (NPDES)] Missouri State Operating (MSOP) permit requirements. These operational monitoring reports shall be submitted to the department [shall accompany NPDES] along with the MSOP discharge monitoring reports [and shall be submitted at the frequency specified for NPDES discharge monitoring report submittal].

(3) The department may modify [required] monitoring frequency required in this rule based upon the department's judgement of monitoring needs for process control at a specified facility.

(4) These requirements for laboratory tests [shall] apply to all wastewater treatment systems owned or operated by or for municipalities, public sewer districts or other local government entities, private sewer companies regulated by the Public Service Commission, and the state agencies or any subdivision of them, [servicing] with a population equivalent/s/, as defined in 10 CSR 20-9.020, greater than two hundred (200) [or with twenty-five (25) or more service connections]. All other systems are exempt.

(5) Minimum monitoring requirements to ensure adequate wastewater treatment systems in-plant operational control are as follows:

(A) Lagoons [(All Types)]

1. **Discharging** - Two (2)/Week Frequency.

[Weather Conditions—Ambient temperature, cloud cover and

	p/Precipitation
Flow	Influent or Effluent
pH	Primary Cell
D.O.	Primary Cell

2. **Non-Discharging** - Two (2)/Month Frequency.

	Precipitation
Flow	Influent or Effluent
pH	Primary Cell
D.O.	Primary Cell

(B) Mechanical Plants.

1. All types—daily (Monday – Friday) frequency.

[Weather Conditions—Ambient temperature and p/Precipitation

Flow	Influent or Effluent
pH	Influent
Temperature	Aeration basin

2. Additional laboratory test requirements for wastewater activated sludge processes and modifications:

	<u>Influent</u>	<u>Mixed Liquor</u>
<i>/NFR/TSS</i>	1/week	1/week [(sample reaeration basin for contact stabilization)]
Settleability		Daily (Monday – Friday) (sample contact and reaeration basins for contact stabilization)
D.O.		Daily (Monday – Friday) (sample contact and reaeration basins for contact stabilization)
Temperature		Daily (Monday – Friday) (sample contact and reaeration basins for contact stabilization)

3. **Additional tests for /F/facilities having digesters [shall perform the following additional laboratory tests]:**

	<u>Anaerobic</u>	<u>Aerobic</u>
pH	Daily (Monday – Friday)	—
Temperature	Daily (Monday – Friday) [(if heated)]	—
D.O.	—	Daily (Monday – Friday)

**(C) Recirculating filter media beds:**

**Pressure** 2/year by measuring squirt height in each zone at the orifice furthest from the pump. Use each pump independently during the monitoring to ensure each pump is functioning.

[(C)/(D) Facilities which chlorinate for disinfection shall perform total chlorine residual analyses of the effluent on a daily (Monday – Friday) basis during those periods when chlorination facilities are in use.

[(D)/(E) Facilities employing disinfection technology other than chlorine shall have disinfection process control testing parameters and frequency determined by the department on a case-by-case basis.

(6) Laboratory procedures shall be performed [according to the most current edition of *Standard Methods for the Examination of Water and Wastewater* or other methods approved by the department] in accordance with 10 CSR 20-7.015.

[(7) All owners of wastewater facilities operated by or for municipalities, sewer and water districts or Public Service Commission (PSC) regulated sewer companies may complete a self-analysis of the wastewater utility each calendar year utilizing the Missouri Municipal Water Pollution Prevention (MWPP) survey forms supplied by the department. Participation in this program is voluntary. For owners who have submitted an MWPP survey for the last five (5) consecutive calendar years; or for owners who have submitted an MWPP survey for every calendar year since the inception of the program, the department will—

(A) Not impose administrative penalties until the process of conference, conciliation and persuasion (CC&P) as per 10 CSR 20-3.010 plus at least one (1) additional communication separated by at least ten (10) days from other communications are completed by the department; and

(B) Reduce any base penalty calculated as per 10 CSR 20-3.010(8)(B)6. by up to one-third (1/3) of the amount between the midpoint and least figure of the penalty range.]

[(8)/(7) A copy of all reports required by this rule shall be retained by the facility for a minimum of three (3) years.

[(9) Penalties. Penalties for violation of this rule shall be as provided in the Missouri Clean Water Law.

(10) Severance. If a section, subsection, paragraph, subparagraph, part or subpart of these rules or any part of them be declared unconstitutional or invalid for any reason, the remainder of these rules shall not be affected and shall remain in full force and effect.

(11) Effective Date. This rule becomes effective July 1, 1977, after adoption and compliance with the requirements of section 644.036.3. of the Missouri Clean Water Law and Chapter 536, RSMo.]

**AUTHORITY:** section 644.026, RSMo[, Supp. 1997] 2016. Original rule filed July 15, 1976, effective July 1, 1977. Amended: Filed Nov. 1, 1983, effective July 1, 1984. Amended: Filed July 29, 1994, effective March 30, 1995. Amended: Filed Nov. 3, 1997, effective July 30, 1998. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 15, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 9—Treatment Plant Operations**

**PROPOSED AMENDMENT**

**10 CSR 20-9.020 Classification of Wastewater Treatment Systems.** The department is amending section (1) by removing and replacing rule language and adding subsection (F), removing and replacing language in section (2), removing and replacing language in point system chart in (2)(D), removing and replacing language in (2)(E) and (F), and adding subsection (G), and removing (3), (4), and (5).

**PURPOSE:** This amendment will revise the classification criteria for wastewater treatment facilities to include technologies that are not reflected in the current rules.

(1) Definitions. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 [shall] apply to those terms when used in this rule, unless the context clearly requires otherwise or as noted in the subsections of this rule.

(A) Wastewater treatment systems. Interrelated or interconnected facilities, equipment, machinery, sewers, piping, valves, land, tanks, basins, ponds, lagoons, and any other device, method and process used to reduce or eliminate the contaminants in [sewage] domestic wastewater and similar organic water-borne wastes.

(B) Operator. Any individual who operates or determines the method of operating a wastewater treatment system, either directly or by order.

(C) [Supervisor] Chief operator. An operator who directs or who has the authority to direct other individuals, or an operator in

direct responsible charge for the operation of a wastewater treatment system[, *including superintendent, foreman, crew chief and shift supervisor*].

(D) Population equivalent (P.E.). The calculated population which normally contributes the same amount of biochemical oxygen demand (BOD<sub>5</sub>) per day. The common base is 0.17 pounds of five-(5-)/- day BOD<sub>5</sub> per capita per day. The calculated population which normally contributes the same amount of flow per day. The common base is one hundred (100) gallons per capita per day.

**(E) Wastewater Collection System. Any series of pipes and lift stations to collect, convey, and equalize wastewater flow to the wastewater treatment system.**

(2) Wastewater Treatment Systems Requirements.

(A) Requirements for operation by certified personnel shall apply to all wastewater treatment systems, *[serving] with a* population equivalent/s/ greater than two hundred (200) *[or with fifty (50) or more service connections]*, owned or operated by or for municipalities, public sewer districts, counties, public water supply districts, private sewer companies regulated by the Public Service Commission and the state or federal agencies. All other systems are exempt from this rule unless the department determines that certified personnel are necessary to protect the waters of the state.

(B) Owners or other persons legally responsible for the operation of wastewater treatment systems subject to this rule shall be responsible for assuring that operators and *[supervisors] chief operators* of wastewater treatment systems comply with certification requirements as set forth in this rule.

(C) All operators of wastewater treatment systems included in subsection (2)(A) of this rule shall possess, as a minimum, a level D certificate of competency issued by the department. **New employees that are not yet certified wastewater treatment operators cannot make process control decisions and will be directly supervised by a certified operator or chief operator.**

(D) Minimum certification of competency classification requirements for *[supervisors] chief operators* of wastewater treatment systems shall be determined by the department using the following point system as a guide[:]. **Wastewater treatment systems will remain classified at the level determined prior to the effective date of this rule until the facility's MSOP is renewed, at which time, the MSOP will include the facility classification.**

CLASSIFICATION OF WASTEWATER TREATMENT PLANTS

Certification

Level	D	C	B	A
Points	25 and Less	26-50	51-70	71 and Greater

Assign points for every item that applies:

Size/Item	Points
Maximum population equivalent (P.E.) served, peak day	1 pt. per 10,000 P.E. or major fraction thereof (maximum 10 pts.)
Design flow (avg. day) or peak month's flow, (avg. day) whichever is larger	1 pt. per MGD or major fraction thereof (maximum 10 pts.)

Effluent Discharge *[Receiving Water Sensitivity]*

Missouri or Mississippi River	0
All other stream discharges except to losing streams and stream reaches supporting whole body contact recreation	1
Discharge to lake or reservoir outside of designated whole body contact recreational area	2
Discharge to losing stream, lake or reservoir area supporting whole body contact recreation	3
Direct reuse or recycle of effluent	6

Land *[Disposal]* Application/Irrigation

<i>[Low rate]</i> Drip irrigation	3
<i>[High rate]</i> Land application/irrigation	5
Overland flow	4

Variation in Raw Wastes (highest level only)

Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100 to 200 percent in strength and/or flow	2
Recurring deviations or excessive variations of more than 200 percent in strength and/or flow	4
<i>[Raw wastes subject to toxic waste discharges]</i> Department-approved pre-treatment program	6

Preliminary Treatment

<b>STEP systems (operated by the permittee)</b>	<b>3</b>
Screening and/or comminution	3
Grit removal	3
Plant pumping of main flow	3
<b>Flow equalization</b>	<b>5</b>

Primary Treatment

Primary clarifiers	5
<i>[Combined sedimentation/digestion]</i>	<i>[5]</i>
Chemical addition (except chlorine, enzymes)	4

Secondary *[t]* Treatment

Trickling filter and other fixed film media with <b>or without</b> secondary clarifiers	10
Activated sludge <i>[with secondary clarifiers]</i> (including extended aeration <i>[and]</i> , oxidation ditches, <b>sequencing batch reactors, membrane bioreactors, and contact stabilization</b> )	15
Stabilization ponds without aeration	5
Aerated lagoon	8
Advanced <i>[Waste]</i> Lagoon Treatment - <i>[Polishing pond]</i> Aerobic cells, anaerobic cells, covers, <b>or fixed film</b>	<i>[2]</i> 10
<i>[Chemical/physical--without secondary]</i>	<i>[15]</i>
<i>[Chemical/physical--following secondary]</i>	<i>[10]</i>
Biological, <b>physical</b> , or chemical <i>[biological]</i>	12
Carbon regeneration	4

## Solids Handling

<b>[Thickening] Sludge holding</b>	5
Anaerobic digestion	10
Aerobic digestion	6
Evaporative sludge drying	2
Mechanical dewatering	8
Solids reduction (incineration, wet oxidation)	12
Land application	6

## Disinfection

Chlorination or comparable	5
On-site generation of disinfectant (except ultraviolet light)	5
Dechlorination	2
Ultraviolet light	4

## Required Laboratory Control Performed by [p]Plant [p]Personnel (highest level only)

Lab work done outside the plant	0
Push-button or visual methods for simple tests such as pH, settleable solids	3
Additional procedures such as DO, COD, BOD, titrations, solids, volatile content	5
More advanced determinations such as BOD seeding procedure, fecal coliform, nutrients, total oils, phenols, etc.	7
Highly sophisticated instrumentation, such as atomic absorption and gas chromatograph	10

## TOTAL\*

\*If unique treatment plant conditions distort the point total, the department may adjust the facility classification.

(E) *[The owners of wastewater treatment systems shall furnish the department, upon request, the names, addresses and positions of all employees who are operators or supervisors of wastewater treatment systems.] The owner will notify the department of any change in the identity of the chief operator within fifteen (15) calendar days.*

(F) *[In the event a facility's staff does not meet the certification requirements of this rule, the facility owner shall notify the department in writing within ten (10) days of occurrence. Following consultation with the facility owner, the department shall establish a schedule of activities including the date by which compliance with this rule shall be obtained.] In the event the chief operator is no longer available to serve, the owner of the wastewater treatment system will notify the department of the vacancy within fifteen (15) calendar days and appoint an interim operator. The interim operator will be considered the certified chief operator for the purposes of complying with 10 CSR 20-9.010 and 10 CSR 20-9.020 on a temporary basis until a properly certified chief operator is hired. Following consultation with the wastewater system owner, the department will establish a schedule of activities and a timeline for the system to have a certified chief operator who has met all applicable certification requirements.*

(G) No person, firm, corporation, municipal corporation or other governmental subdivision or agency may operate a wastewater system unless the operator of the facility is duly certified by the department as provided in 10 CSR 20-9.030 or 10 CSR 20-9.020(F) except during periods of emergency or disaster.

[(3) *Penalties. Penalties for violation of this rule shall be as provided in the Missouri Clean Water Law.*

(4) *Severance. If a section, subsection, paragraph, subparagraph, part, subpart, item or subitem of these rules or any part of them be declared unconstitutional or invalid for any reason, the remainder of these rules shall not be affected and shall remain in full force and effect.*

(5) *Effective Date. This rule becomes effective immediately*

*upon adoption and compliance with the requirements of section 644.036.3. of the Missouri Clean Water Law and Chapter 536, RSMo (Cum. Supp. 1989).]*

*AUTHORITY: section 644.026, RSMo [1994] 2016. Original rule filed July 15, 1976, effective March 1, 1977. Rescinded and readopted: Filed Nov. 1, 1983, effective July 1, 1984. Rescinded and readopted: Filed July 15, 1991, effective March 1, 1992. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 15, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 9—Treatment Plant Operations**

**PROPOSED AMENDMENT**

**10 CSR 20-9.030 Certification of Wastewater Operators.** The department is amending the rule by removing (1)(B), removing and replacing language in (2)(B) with language that reflects changes to section 621.250, RSMo., updates section (3) with new rule citations,

adds language to (3)(D) to clarify the fee required to take the exam, adds subsection (3)(G) to require an applicant that fails the exam three (3) times to take a department approved training course prior to taking the exam again and renumbering thereafter, revises (3)(H) to allow an applicant to take the exam twice within one year of the application date, revises (3)(I) including Table 1 to revise the experience required for certification, adds and removes language in (3)(K) to lengthen the time required to obtain necessary operational experience, removes (3)(K)2., removes previous subsection (3)(K), changes (3)(L) to (3)(M) and adds language to require an applicant be eighteen years of age, adds language in (3)(M)1. and 2. to clarify education requirements, remove section (4) and renumber thereafter, add clarifying language to previous (6)(E) and removes language from previous (6)(F) and (G), renumbers (7) to (5) and removes and replaces language in (5)(A), changes the language in (5)(A)3. and (D) to lengthen the number of days a letter of intent to issue a certification, renumbers (8) to (6) and adds language to (6)(A), (B), (C), and (D) to deny or suspend a certification, renumbers (9) to (7) and (10) to (8), and removes (11) and (12).

**PURPOSE:** *The amendment will include changes to the operator certification criteria to more closely align it with the requirements for drinking water operator certification.*

(1) Definitions. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 *[shall]* apply to those terms when used in this rule, unless the context clearly requires otherwise or as noted in the subsections of this rule.

*[(B) Certificate of Examination. A document issued by the department stating that the recipient named on the certificate has passed the certification examination for the certification level specified pursuant to this rule.]*

(2) Administration.

*(B) [Any conflict arising from departmental actions or decisions made in the execution of this rule and not satisfactorily resolved through the Missouri Clean Water Commission's director of staff may be appealed to the commission. The appeal shall be made in writing to the Missouri Clean Water Commission, Attention: Commission Secretary, P.O. Box 176, Jefferson City, MO 65102, within thirty (30) days of the contested action or decision. The appeal shall indicate the interest of the party filing the action. The commission shall set the appeal for hearing no sooner than thirty (30) days after receipt of a proper appeal. Appeals may be heard by a hearing officer appointed by the commission chairman. Hearings shall be conducted in accordance with sections 644.066, RSMo.] Any applicant whose certification is denied, suspended, or revoked may appeal to the Administrative Hearing Commission as provided in section 621.250, RSMo.*

(3) Certification of Competency.

(A) Certificates issued by the department, and valid on March 1, 1992, are valid as certifications of competency in the equivalent class and shall be governed by the provisions of this rule. Initial renewal of the certificates shall be as outlined in *[sub]section [(6)(A)] (4)* of this rule.

(B) Certifications at the appropriate level shall be issued to individuals successfully passing the certification examination and fulfilling experience requirements of subsection (3)/*[(H)](I)* of this rule. The expiration date of the certifications shall coincide with renewal requirements as provided in subsection (6)(B) of this rule. An examination score of seventy percent (70%) correct shall be considered a passing grade.

(D) A completed application form for examination must be submitted to the department no later than thirty (30) days before the scheduled examination session. An application fee of twenty dollars (\$20) and a certification fee of twenty-five dollars (\$25) for a total

of forty-five dollars (\$45) shall accompany each application.

(G) Any examinee who fails a certification examination three (3) times and has not successfully completed a department-approved multi-day training course approved for wastewater treatment within the previous twelve (12) months must do so prior to any further reexamination at that level.

*[(G)](H)* An individual applying to take the examination will be allowed to reschedule *[once]* twice within one year of the application date. After that, s/he must reapply as required in subsection (3)(D) of this rule.

*[(H)](I)* Approval of applicant eligibility for certification of competency shall be the responsibility of the department. *[Assessment of applicant qualifications shall include the following criteria:]* In order to be eligible for a certificate, the applicant will have accumulated actual or equivalent operational experience in accordance with Table 1.

1. Actual wastewater treatment operating experience means the skills and knowledge acquired from making or acting upon day-to-day process control/system integrity decisions rather than from textbook study or supervisory observation. It means the applicant has actually operated a wastewater treatment system. In addition, the applicant should have experience in some combination of wastewater treatment system operational tasks such as: sample collection, routine operational monitoring, interpretation of test results, calculation of chemical dosages and subsequent adjustment of chemical feeders, flow rate and pumping adjustments, disinfection, and completion of operational reports.

2. Equivalent wastewater treatment operating experience means skills and knowledge acquired from education as described in this rule or work experience that has a substantial relationship to wastewater treatment.

Certification Level	In-Plant Actual Operating Experience Required
A	<i>[(6)] 5 1/2</i> years (2 years of which may be equivalent)
B	<i>[(4)] 3 1/2</i> years (1 year of which may be equivalent)
C	<i>[(2)] 1 1/2</i> years (1 year of which may be equivalent)
D	<i>[(1) year] 6 months</i> (all of which may be equivalent)

*[(I)](J)* Years of equivalent experience shall be computed from the following criteria. *[Experience equivalence for high school and college degrees is nonadditive:]*

<i>[(High school diploma or GED)]</i>	<i>[(1/2 year)]</i>
Graduation from approved one (1)-year certificate program in water/wastewater technology	1 year
College level courses in biological/ environmental sciences (grade C or better required)—maximum credit of six (6) months	1 month per 3 semester hours
Two (2)-year associate degree in allied field (for example, environmental health/science, biology, chemistry)	1 1/2 years
Four (4)-year college degree in allied fields (for example environmental sciences, biology, chemistry and engineering)	2 years
Approved multi-week entry level, advanced or correspondence courses—maximum credit of one (1) year	1/2 year

1. Operation of potable water treatment facilities and wastewater collection systems will be given equivalent credit of actual calendar years of operation *[in the potable water treatment field]*.

2. General vocational training or work experience in related areas will be considered by the department on a case-by-case basis and limited to a maximum of six (6) months' equivalent experience.

3. Documentation submitted for equivalent experience credit that does not fit the previously mentioned criteria will be evaluated by the department on a case-by-case basis.

*[(J)](K)* Any person not possessing the necessary operational experience may take the examination.

1. Upon successful completion of the examination, the individual will have to obtain the necessary operational experience within *[one (1) year] eighteen months*. If the necessary experience is not

obtained with the *[one (1) year]* **eighteen-month** limit, the individual must reexamine to be certified at that level of competency.

*[2. Application for issuing a certificate must be made on the proper form as described in subsection (12)(A) and must be accompanied by the certification fee of twenty-five dollars (\$25).]*

*[(K) An individual is not certified until the certification fee has been paid and the certificate has been issued.]*

(L) The minimum age for certification shall be *[sixteen (16)]* **eighteen (18)** years.

**(M) Education Requirement.**

1. The minimum education requirement for certification is fulfilled by meeting any one (1) of the following conditions: a high school diploma; a general equivalency diploma (GED); successful completion of special department-approved training appropriate to wastewater treatment; or six (6) months of experience.

2. Training or experience used to meet the education requirement will not be counted as equivalent experience credit. Training or experience used to meet the education requirement is not included in the maximum limit on equivalent experience in subsection (3)(J).

*[(4) Certification Without Examination.*

(A) Certification of competency in the equivalent classification will be issued to operators and supervisors who, on March 1, 1992, hold current exemptions issued by the department provided that the individual fulfills the following requirements:

1. Was certified by exemption at the level required for that facility immediately prior to March 1, 1992;
2. Is employed as supervisor on March 1, 1992;
3. Continues employment in the same capacity with the employer; and
4. Was judged by the department to not be responsible for operational and/or maintenance deficiencies cited for the facility within the twelve (12) months prior to March 1, 1992.

(B) All certifications without examination issued under subsection (4)(A) of this rule shall expire if the certificate holder changes position or employer. If a substantial change occurs in the treatment process, the certification without examination shall expire upon construction completion.

(5) *Certificate of Examination.* Any person holding a valid certificate of examination on the effective date of this rule must meet experience requirements for that level and apply to upgrade the certificate to a certificate of competency according to the following schedule. If the certificate is not converted within this time frame, the certificate of examination will lapse and the person will have to reexamine.

Certificate of Examination Level	Time Allowed for Upgrade
A	February 28, 1998
B	February 28, 1996
C	February 28, 1994
D	February 28, 1993]

*[(6)](4) Certificate Renewal.*

(A) All certificates issued by the department shall be renewed at least every three (3) years, unless prorated by the department to some other time frame. All applicants for renewal shall meet the training requirements set forth in subsection (6)(B) prior to the expiration date stated on each individual's certificate.

(B) Before a certificate will be renewed, the applicant must submit suitable documentation that s/he has obtained not less than thirty (30) hours of approved renewal training. Only training approved by the department will be accepted. Each certified operator is responsible for documenting his/her training.

(C) The department shall send notification of certification expiration to the certificate holder at the last known address at least sixty (60) days prior to the certificate's expiration date. Failure of the department to notify the certificate holder of certification expiration does not relieve the certificate holder of the responsibility for renewal.

(D) Any certificate not renewed within sixty (60) days of the expiration date will be considered lapsed. Any person with a lapsed certification will have to reexamine as provided in section (3) of this rule.

(E) Provided the *[certificate holder has submitted]* **department has received** a timely and complete application for certification renewal, possesses sufficient renewal training and through no fault of the certificate holder the department is unable to issue a new certification before the expiration date of the previous certification, automatically the validity of the expired certification shall continue until the department acts on the renewal application.

(F) Certification renewal fee is forty-five dollars (\$45) and shall accompany the certificate holder's application for renewal. Application for renewal must be made on the form provided by the department *[as described in subsection (12)(B)]*.

(G) A late fee of ten dollars (\$10) per month/*, or fraction of the fee*, up to a total of twenty dollars (\$20) shall be assessed for any certification renewed after the expiration date.

*[(7)](5) Reciprocity.*

(A) *[Individuals having valid certification issued by another state or country, or its authorized representative, having examination, experience and renewal requirements equal to or more stringent than those of the department, as determined by the department, will be granted a certificate of competency provided that the applicant—] Certificates may be issued, without examination, to any person who holds a valid certificate obtained by examination in any state, territory, country, or any other certifying authority, if the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions of this rule, are at least as stringent as this rule, and provide the applicant—*

1. Has working experience with a wastewater treatment system in the state or other authorized area which supplied the certification for which reciprocity is requested;

2. Obtains employment with a Missouri wastewater treatment system; and

3. Makes application for reciprocity within one hundred *[twenty (120)]* **eighty (180)** days after beginning that employment. The form described in subsection (12)(C) must be submitted along with the application fee of forty dollars (\$40).

(B) The fee for a certificate issued under the provisions of this section is twenty-five dollars (\$25).

(C) The level of certification issued will be determined by the state of origin's minimum requirements for the level of certification held in that state.

(D) If the applicant is not employed in a Missouri wastewater facility, but meets all other requirements for reciprocal certification, the department will issue a letter of intent to issue certification which will be valid for one hundred *[twenty (120)]* **eighty (180)** days. Upon employment in a Missouri wastewater facility, and provided all other requirements are met, the applicant may apply for a certificate. If the applicant does not obtain Missouri employment before the expiration date of the letter, s/he will have to reapply for reciprocal certification.

*[(8)](6) Denial, Suspension or Revocation.*

(A) The department may **deny, suspend or** revoke any certification for any of the following reasons: fraud or deceit in obtaining certification; negligence, incompetence or willful malpractice in the holder's action in operating a wastewater treatment facility or appurtenances, or falsification of facility operating records or reports required by 10 CSR 20, or willful violation of 10 CSR 20.



(B) Notice of **suspension or** revocation action shall be issued by the commission's director of staff with service by hand delivery or through certified mail to the certificate holder at that individual's last known address. That notice shall state the reason(s) for revocation, the effective date of the revocation and the action(s) the certificate holder may take to contest the revocation.

*[(C) A written request for a hearing may be made by the certificate holder no more than thirty (30) days following notification from the commission's director of staff that revocation proceedings have been initiated. A hearing will be conducted as outlined in subsection (2)(B) of this rule.]*

*[(D)](C)* Application for certification examination by the holder of a revoked certificate may not be made sooner than one (1) year from the effective date of revocation. Acceptance of any such application shall be at the discretion of the department. Certification by reciprocity shall not be available for a certificate holder whose certification has been revoked.

*[(E)](D)* Any revoked certificate shall be returned to the department.

*[(9)](7)* The certificate holder shall notify the department of any change in status including, but not limited to, change of name, change of address and change of employer.

*[(10)](8)* All fees are nonrefundable and nontransferable.

*[(11) Penalties. Penalties for violation of this rule shall be as provided in the Missouri Clean Water Law.]*

*(12) Forms.*

*(A) Examination Application.*

*(B) Reserved.*

*(C) Reciprocity Application.]*

**AUTHORITY:** section 644.026, RSMo [1994] 2016. Original rule filed July 15, 1991, effective March 1, 1992. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 15, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 14—Concentrated Animal Feeding Operation  
Waste Management System Operations**

**PROPOSED AMENDMENT**

**10 CSR 20-14.010 Classification of Concentrated Animal Feeding Operation Waste Management Systems.** The department is amending subsection (2)(C) by removing language that defines when an applicant should apply for a certificate and reducing the examination fee for a failed exam; adding language to subsections (2)(C) and (E) to add the term "initial employment date"; and removing section (5).

**PURPOSE:** This amendment will streamling the types of concentrat-

ed animal feeding operation certification available.

(2) CAFO Waste Management Systems Requirements.

(C) All persons performing the duties of a CAFO operator, as defined in subsection (1)(C) and (D) of this rule, at systems included in subsection (2)(A) of this rule shall *[apply to the department for CAFO waste management system operator certification within sixty (60) days of cumulative employment in a CAFO waste management system] be certified.* *[In cases of change of CAFO employers, "employment" is the total of all CAFO waste management system employment.]* A CAFO operator trainee shall complete department-approved entry level training and pass the examination within eighteen (18) calendar months of initial employment at a CAFO waste management system that is required to be operated by certified personnel as specified in subsection (2)(A) of this rule. *[If the trainee fails to successfully complete the required training and pass the examination within eighteen (18) months, the owner must notify the department as required in subsection (2)(F) of this rule. At this time, the application will be considered inactive and the trainee must submit a new application with application fee in order to continue the CAFO operator certification process.]* Any trainee who is unable to pass the certification examination after three (3) attempts, or within eighteen (18) calendar months of *[their] initial [exam] employment*, must attend an additional twelve (12) hours of department-approved CAFO training prior to reexamination.

(E) The owners of CAFO waste management systems shall furnish the department, upon request, the names, business addresses, **initial employment dates**, and positions of all employees who are operator trainees, CAFO operators or CAFO supervisors within their CAFO waste management systems.

*[(5) Effective Date. This rule becomes effective July 30, 2001, or ninety (90) days after adoption and compliance with the requirements of section 644.036.3 of the Missouri Clean Water Law and Chapter 536, RSMo whichever is later.]*

**AUTHORITY:** section 644.026, RSMo [2000] 2016. Original rule filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed Nov. 14, 2000, effective July 30, 2001. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 14—Concentrated Animal Feeding Operation  
Waste Management System Operations**

**PROPOSED AMENDMENT**

**10 CSR 20-14.020 Certification of Concentrated Animal Feeding Operation Waste Management System Operators.** The department is amending sections (2), (3), and (5), removing subparagraph

(3)(G)1. A. and removing and replacing language in subparagraph B., removing and adding language in paragraph (3)(G)2., removing language in subsection (3)(H), removing and replacing language in subsection (3)(I), removing subsections (3)(L), (M), and (N), removing in paragraphs (4)(B)1. and 2., moving language from (4)(B)1. to (4)(B), removing and replacing language in subsections (4)(E) and (G), and removing and replacing language in subsections (6)(A) and (C).

**PURPOSE:** *The amendment updates appeal language regarding section 621.250, RSMo, and removes language that distinguishes between dry and wet concentrated animal feeding operation certificates.*

(2) *[Administration.*

*(A)]* The department shall serve as the certifying agency for concentrated animal feeding operations (CAFO) waste management system personnel.

*[(B) Any conflict arising from departmental actions or decisions made in the execution of this rule and not satisfactorily resolved through the Missouri Clean Water Commission's director of staff may be appealed to the commission. The appeal shall be made in writing to the Missouri Clean Water Commission, Attention: Commission Secretary, within thirty (30) days of the contested action or decision. The appeal shall indicate the interest of the party filing the action. The commission shall set the appeal for hearing no sooner than thirty (30) days after receipt of a proper appeal. Appeals may be heard by a hearing officer appointed by the commission chair. Hearings shall be conducted in accordance with section 644.066, RSMo.] Any applicant whose certification is denied, suspended, or revoked may appeal to the Administrative Hearing Commission as provided in section 621.250, RSMo.*

(3) Certification of Competency.

(C) A completed application form for examination must be submitted to the department no later than thirty (30) days before the scheduled examination session. A nonrefundable application fee of forty-five dollars (\$45) shall accompany each application **or twenty dollars (\$20) for an application for subsequent exams for the same certification level if the applicant fails the initial exam.**

(D) Examinations shall contain, but not necessarily be limited to, questions pertaining to the Missouri CAFO regulations, general CAFO waste management systems knowledge, water quality, agronomy, irrigation management, general agriculture, soil science, applied mathematics, chemistry, hydraulics, pumps and operation of irrigation and land application equipment, as applied to CAFO waste management systems.

(F) An individual applying to take the examination will be allowed to reschedule *[once]* **two (2) times** within twelve (12) months of the application date. After that, the applicant must reapply as required in subsection (3)(C) of this rule.

(G) Approval of applicant eligibility for certification of competency shall be the responsibility of the department. Assessment of applicant qualifications shall include the following criteria:

1. Successful completion of a department approved, pre-certification, entry level CAFO waste management system training course of *[the following minimum length:]* **at least twenty four (24) contact hours.**

*[A. Wet handling CAFO waste management systems—thirty (30) hours; and*

*B. Dry handling CAFO waste management systems—eighteen (18) hours; and]*

2. Actual CAFO waste management system operating experience required for classification level:

["A"]	[4 years (2 years of which may be equivalent)] 3 years (1.5 years of which may be equivalent) [(* Up to 2.5 years equivalency for graduate degree in a related field)]
["B"]	[1 year (All of which shall be actual experience) As of the effective date of this amended rule, all CAFO waste handling system operators who currently possess a CAFO level "C" certificate will be reissued a CAFO level "B" certificate.] Six (6) months (all of which may be equivalent)
CAFO Operator Trainee	No experience requirement

(H) Years of equivalent experience shall be computed from the following criteria:

1. General vocational training or work experience in related areas will be considered by the department on a case-by-case basis and shall be limited to a maximum of six (6) months' equivalent experience.

[Graduation from approved one (1)-year certificate program in water/waste water technology or irrigation management]	[1 year]
College level courses in agriculture, animal science, biology, chemistry, engineering, environmental health/science, irrigation management, soil science, <b>water/wastewater technology</b> , etc. (grade of C or better is required)—maximum credit of <i>[six (6) months]</i> <b>one (1) year.</b>	1 month per every 3 semester hours
[Two (2)-year associate degree in a related field (for example, agriculture, animal science, biology, chemistry, engineering, environmental health/science, irrigation management, soil science, etc.)]	[1 1/2 years]
Four (4)-year college degree <b>or higher</b> in a related field (for example, agriculture, animal science, biology, chemistry, engineering, environmental health/science, irrigation management, soil science, etc.)	[2 years] 1 year
[Graduate level degree in a related field (for example, agriculture, animal science, biology, chemistry, engineering, environmental health/science, irrigation management, soil science, etc.)]	[1/2 year]
Department-approved CAFO waste management system correspondence course <i>[or department approved]</i> , <b>pre-certification entry level CAFO course</b> , or advanced course in CAFO waste management (each course with a minimum of <i>[30]</i> <b>24</b> contact hours in length) <i>[and is in addition to the required entry level training course outlined in subsection (3)(G)1. of this rule].</i>	1/2 year per course with a maximum of 1 year credit <b>(For multi-day courses, attendance of at least eighty percent (80%) of the course hours is required to receive credit.)</b>

(I) Any person having completed a department-approved entry level CAFO waste management course as required in *[subsection]* **paragraph (3)(G)1.** of this rule, but not possessing the necessary operational experience, may take the certification examination. All CAFO operator applicants must complete the department-approved entry level training course outlined in *[subsection]* **paragraph (3)(G)1.** of this rule *[before taking any CAFO certification examination]* **prior to certification.**

1. Upon passing the examination, the individual will have eighteen (18) cumulative months of employment within a CAFO waste management system to obtain the necessary operational experience for the certification level requested. If the necessary experience is not obtained within the eighteen (18)-month time frame, the individual must retake the examination to continue the CAFO operator certification process.

2. Application for a certificate must be made on the proper forms provided by the department.

*[(L) A valid wet handling CAFO waste management system certificate shall be considered equal to a dry handling certificate of the same level and is approved for use at a dry handling system.]*

*[(M) A valid dry handling CAFO waste management system certificate shall not be considered equal to a CAFO wet handling system certificate of any level and is not approved for use at a CAFO wet handling system. A separate test specific to dry handling systems will be administered to these individuals. A CAFO dry handling system operator may attain a CAFO wet handling system certification by taking an additional twelve (12) hours of entry level training that is specific to CAFO wet handling systems and passing a CAFO wet handling system certification examination.]*

*[(N) An operator possessing a valid Missouri dry handling CAFO waste management system certificate desiring to obtain a wet handling certificate will be given fifty percent (50%) equivalent credit for actual years' experience at a dry handling CAFO waste management system.]*

(4) Certificate Renewal.

(B) Before a certificate will be renewed, the applicant must submit suitable documentation that not less than/—

1. *Twenty-four (24)] twelve (12) hours of department-approved renewal training has been obtained for individuals who are certified for [wet handling] CAFO waste management systems. Each certified CAFO operator is responsible for documenting such training; and].*

2. *Twelve (12) hours of department-approved renewal training for individuals who are certified for dry handling CAFO waste management systems. Each certified CAFO operator is responsible for documenting such training.]*

(E) Provided the *[certificate holder has submitted]* **department has received** a timely and complete application for certification renewal, possesses sufficient renewal training and through no fault of the certificate holder, the department is unable to issue a new certificate before the expiration date of the previous certificate, the validity of the expired certificate shall continue until the department acts on the renewal application.

(G) A late fee of ten dollars (\$10) per month/, *or fraction thereof,* up to a total of twenty dollars (\$20) shall be assessed for any certificate renewed after the expiration date.

(5) Reciprocity.

(D) Reciprocal *[permits]* **certificates** will only be issued to persons who are employed within Missouri CAFO waste management systems. Eligible applicants must submit twenty-five dollars (\$25) for issuance of a reciprocated certificate. If employment with a Missouri CAFO waste management system is dependent upon the Missouri certification, the department will send a letter of intent to issue a certificate to the applicant. The letter of intent is valid for one hundred eighty (180) days provided that the certificate that the application is based upon remains valid. If the applicant does not obtain Missouri employment before the expiration date of the letter, he/she must reapply for reciprocal certification.

(6) Denial, Suspension, and Revocation.

(A) The department may **deny**, suspend or revoke any certification *[for a period of not more than five (5) years]* for any of the following reasons: fraud or deceit in obtaining certification, cheating on the certification examination, negligence, incompetence, misconduct, dishonesty, bribery or extortion, misrepresentation or malfeasance in the holder's action in operating a CAFO waste management system or apportionances, sabotage, selective sampling, falsification of facility operating records or reports required by 10 CSR 20, or any violation of 10 CSR 20 or the Missouri Clean Water Law, Chapter 644, RSMo. An operator should not be held responsible for a condition in which that person cannot obtain the necessary resources to

correct. The permit holder is responsible for providing the necessary resources to the operator.

(B) Notice of a suspension or revocation action will be issued by the *[commission's director of staff]* **department** with service by hand delivery or through certified mail to the certificate holder at that individual's last known address. That notice shall state the reason(s) for suspension or revocation, the effective date of the suspension or revocation and the action(s) the certificate holder may take to contest the suspension or revocation.

*[(C) The certificate holder may make a written request for a hearing to the department no more than thirty (30) days following receipt of notification from the commission's director of staff that suspension or revocation proceedings have been initiated. A hearing will be conducted as outlined in subsection (2)(B) of this rule.]*

*[(D)](C)* Individuals with revoked certificates must reapply and retake the certification examination to regain operator certification. Application for certification examination by an individual whose certificate is suspended or revoked may not be made sooner than one (1) year from the effective date of suspension or revocation. Acceptance of any such application shall be at the discretion of the department. When the deficiency is related to a particular weakness, the department may require the operator to complete training in that deficient area. Suspended certificates may be reinstated upon written request from the operator after the suspension term has expired and all suspension requirements have been met.

*[(E)](D)* Any suspended or revoked certificate shall be returned to the department.

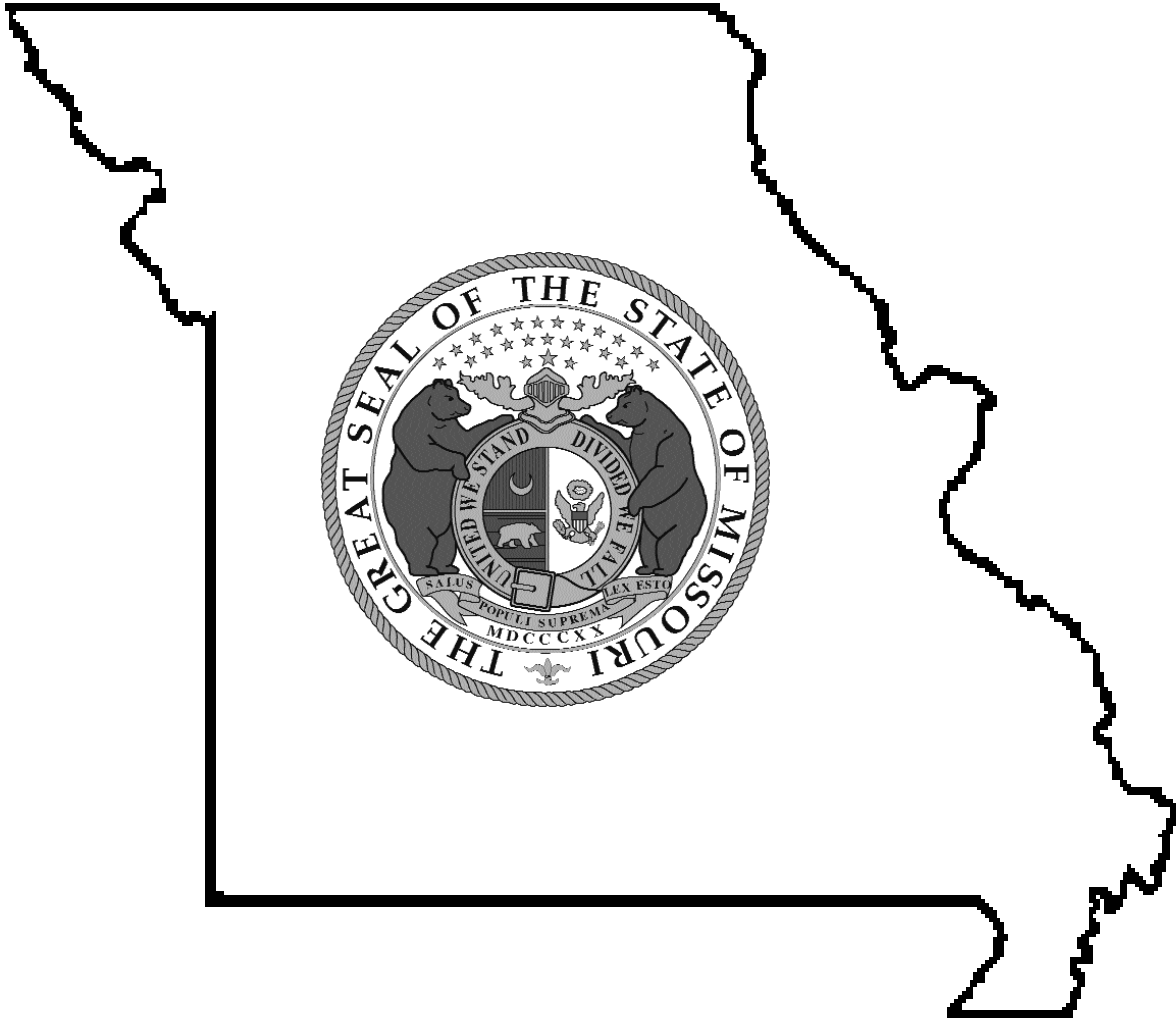
**AUTHORITY:** section 644.026, RSMo [2000] 2016. Original rule filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed Nov. 14, 2000, effective July 30, 2001. Amended: Filed June 13, 2018.

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This is Part I  
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of the *Missouri*  
*Register*.

Volume 43, Number 14  
Pages 1755–1986  
July 16, 2018  
Part II

SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

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The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**JOHN R. ASHCROFT**

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$72.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**

Office of the Secretary of State

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The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 2—Commission Procedures**

**PROPOSED AMENDMENT**

**10 CSR 25-2.010 Voting Procedures.** The commission is amending the rule purpose and sections (2) and (5).

*PURPOSE:* The commission proposes to amend this rule as part of the department's process of reviewing rules for unnecessary requirements and restrictive words. The commission proposes to amend the purpose statement of the rule to eliminate unnecessary restrictive words.

*PURPOSE:* The purpose of this rule is to define the procedures [that must] to be followed by commission members when considering hazardous waste management variances, appeals, or orders and related issues.

(2) The member [shall be] is excluded from voting on the matter at issue unless s/he fully advises the commission of the interest and receives a determination from the commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the state expects from him/her. Fully advises means explains in detail in a signed, written statement available for public inspection. Official relationship includes, but is not limited to, corporate officer, employee, retiree, or similar affiliation.

(5) If a quorum of commissioners is not present at the time of a public hearing published for rulemaking and it is necessary to delay the public hearing due to the lack of a quorum, the department [shall—] will issue a news release announcing the new time, date and location of the public hearing and include in that news release the new submittal date for written public comments.

(A) Issue a news release announcing the new time, date and location of the public hearing; and

(B) Include in that news release the new submittal date for written public comments.]

*AUTHORITY:* sections 260.365, **260.370**, 260.400, and 260.437, RSMo [1986 and 260.370 RSMo Supp. 1989] **2016**. Original rule filed Sept. 7, 1978, effective Feb. 16, 1979. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed June 12, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to

*tim.eiken@dnr.mo.gov*. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 2—Commission Procedures**

**PROPOSED RESCISSION**

**10 CSR 25-2.020 Hazardous Waste Management Commission Appeals and Requests for Hearings.** This rule described the process for appealing department decisions to the Administrative Hearing Commission.

*PURPOSE:* This rule is being rescinded because the rule restates information already found in the statute and is therefore not necessary.

*AUTHORITY:* sections 260.370, 621.250 and 640.013, RSMo Supp. 2006. Original rule filed March 15, 2007, effective Dec. 30, 2007. Rescinded: Filed June 12, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to *tim.eiken@dnr.mo.gov*. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 3—Hazardous Waste Management System:  
General**

**PROPOSED AMENDMENT**

**10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information.** The commission proposes to amend sections (1), (2), and (3) of the rule.

*PURPOSE:* All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our

*natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.*

(1) The regulations set forth in 40 CFR part 260, July 1, 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, and the changes made at 78 FR 0, July 31, 2013, are incorporated by reference, except for the changes made at 70 FR 53453, September 8, 2005, [and 73 FR 64667 to 73 FR 64788, October 30, 2008,] subject to the following additions, modifications, substitutions, or deletions. This rule does not incorporate any subsequent amendments or additions.

(A) Except where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation, or statute that is referenced in 40 CFR parts 260–270, 273, and 279, and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule, or statute. Where conflicting rules exist in 10 CSR 25, the more stringent *[shall]* rules control.

1. “Director” *[shall be]* is substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

2. “Missouri Department of Natural Resources” *[shall be]* is substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo,” *[shall be]* is substituted for “Section 3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7), and 260.390(7), RSMo,” *[shall be]* is substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo,” *[shall be]* is substituted for “Section 3008 of RCRA.”

6. “10 CSR 25-3.260” *[shall be]* is substituted for any reference to 40 CFR part 260.

7. “10 CSR 25-4.261” *[shall be]* is substituted for any reference to 40 CFR part 261.

8. “10 CSR 25-5.262” *[shall be]* is substituted for any reference to 40 CFR part 262.

9. “10 CSR 25-6.263” *[shall be]* is substituted for any reference to 40 CFR part 263.

10. “10 CSR 25-7.264” *[shall be]* is substituted for any reference to 40 CFR part 264.

11. “10 CSR 25-7.265” *[shall be]* is substituted for any reference to 40 CFR part 265.

12. “10 CSR 25-7.266” *[shall be]* is substituted for any reference to 40 CFR part 266.

13. “10 CSR 25-7.268” *[shall be]* is substituted for any reference to 40 CFR part 268.

14. “10 CSR 25-7.270” *[shall be]* is substituted for any reference to 40 CFR part 270.

15. “10 CSR 25-8.124” *[shall be]* is substituted for any reference to 40 CFR part 124.

16. “10 CSR 25-11.279” *[shall be]* is substituted for any reference to 40 CFR part 279.

17. “10 CSR 25-16.273” *[shall be]* is substituted for any reference to 40 CFR part 273.

18. “Sections 260.350–260.434, RSMo *[shall be]* is substituted for “Subtitle C of RCRA Act,” or “RCRA,” except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

19. “Section 260.380.1(1), RSMo *[shall be]* is substituted for “Section 3010 of RCRA.”

20. “Section 260.420, RSMo” *[shall be]* is substituted for “Section 7003 of RCRA.”

21. “Waste within the meaning of section 260.360(21), RSMo,” *[shall be]* is substituted for “solid waste within the meaning of sec-

tion 1004(27) of RCRA.” Residual materials specified as wastes under section 260.360(21), RSMo, *[shall]* means any spent materials, sludges, by-products, commercial chemical products, or scrap metal that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. “Section 260.360(9), RSMo,” *[shall be]* is substituted for “Section 1004(5) of RCRA.”

23. “Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(1)(B), and 10 CSR 25-7.270(2)(B)” *[shall be]* are substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2, or Section 3007(b) of RCRA.

24. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 are hazardous waste and are regulated under sections 260.350–260.434, RSMo, and 10 CSR 25. A person shall manage all hazardous waste which is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.1(2)/3, RSMo. When a person accumulates one hundred kilograms (100 kg) of nonacute hazardous waste or one kilogram (1 kg) of acutely hazardous waste or the aggregate of one hundred kilograms (100 kg) of acute and nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated by reference and modified in 10 CSR 25-4.261(2)(A).

25. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action *[shall]* will be considered an exception or exemption based on the conditions set forth in the federal regulation incorporated by reference or the omission from regulation.

26. The rules of grammatical construction in 40 CFR 260.3 incorporated by reference in this rule *[shall]* also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25.

(2) This section sets forth specific modifications to the regulations incorporated in section (1) of this rule. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

(A) The following are changes to 40 CFR part 260 subpart A incorporated in this rule:

1. Confidential business information and availability of information. 40 CFR 260.2 is not incorporated in this rule. In lieu of those provisions, the following *[shall apply]* applies to confidential business information and the availability of information:

A. Any information provided to the department under 10 CSR 25 will be made available to the extent and in the manner authorized by Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, subsection (1)(B) and 10 CSR 25-7.270(2)(B)2. as applicable; **and**

B. Any person who submits information to the department in accordance with 10 CSR 25 may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information which requests protection of specific information from disclosure. Information covered by this claim will be disclosed by the department to the extent and by means of the procedures set forth in Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it. The department will respond to requests for protection of business information within twenty (20) business days[; and].

*[C. The department will respond to requests for information within three (3) business days except as provided in*

*Chapter 610, RSMo, and except as allowed for reasonable cause in accordance with Chapter 610, RSMo. When the period for document production must exceed three (3) business days for reasonable cause, the department will provide the document within no more than twenty (20) business days.]*

(3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions which modify or add to those definitions in 40 CFR parts 60, 260–270, 273, and 279 and 49 CFR parts 40, 171–180, 383, 387, and 390–397.

(I) Definitions beginning with the letter I.

1. Identification number means the unique code assigned to each hazardous waste, each hazardous waste generator, transporter, or facility[, or resource recovery] facility pursuant to these rules.

2. International Registration Plan, referred to as IRP, is a system of reporting and apportioning fees to states and other jurisdictions based on the percentage of mileage accumulated while conducting business in those states or jurisdictions.

(R) Definitions beginning with the letter R.

1. RCRA means the Resource Conservation and Recovery Act, 42 U.S.C. sections 6901–6991.

2. Registry means the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites.

3. Remedial action means any action at a hazardous waste site to protect the public health and environment. These actions may include, but are not limited to: storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of hazardous waste, hazardous substances, or contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive materials; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; any monitoring reasonably [required] needed to assure that these actions protect the public health and environment; or any combination of these actions.

4. Remedial action plan means the specific procedures to be followed in implementation of any remedial action and all necessary, related procedures including, but not limited to, safety, analysis, sampling, handling, packaging, storing, removing, transporting, labeling, registering, and site security. A remedial action plan has a defined endpoint, agreed to in advance, which will complete the plan. Additional remedial actions may be necessary after completion of a remedial action plan dependent upon results of sample analysis or development of new information.

[5. Resource recovery means the reclamation of energy or materials from waste, its reuse, or its transformation into new products which are not wastes.]

[6.]5. Responsible party means any person(s) liable for costs of removal actions or remedial action or other response costs or damages pursuant to Section 107 of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9607–9657 as amended by P.L. 99-499 Superfund Amendments, and Reauthorization Act of 1986, or any current owners or other person willing to assume responsibility.

(W) Definitions beginning with the letter W.

1. Waste means any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. Waste [shall] also means certain residual materials which may be sold for purposes of energy or materials reclamation, reuse, or transformation into new products which are not wastes.

**AUTHORITY:** sections 260.370 and 260.395, RSMo [Supp. 2013] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 4—Methods for Identifying Hazardous Waste

### PROPOSED AMENDMENT

**10 CSR 25-4.261 Methods for Identifying Hazardous Waste.** The commission proposes to amend sections (1) and (2) of the rule.

**PURPOSE:** All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(1) The regulations set forth in 40 CFR part 261, July 1, 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, and the changes made at 78 FR [O] 46447, July 31, 2013, 80 FR 1693, January 13, 2015, and 83 FR 24664, May 30, 2018, are incorporated by reference, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, 63 FR 33823, June 19, 1998, 70 FR 53453, September 8, 2005, [73 FR 64667 to 73 FR 64788, October 30, 2008,] and 73 FR 77954, December 19, 2008. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) [shall apply] applies in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent [shall] rules control.

(2) This section sets forth specific modifications of the regulations incorporated in section (1) of this rule. A person [required] subject to identifying a hazardous waste shall comply with this section as it modifies 40 CFR part 261 as incorporated in this rule. (Comment: This section has been organized in order that all Missouri additions, changes, or deletions to any subpart of the federal regulation are noted within the corresponding subsection of this section. For example,

changes to 40 CFR part 261 subpart A will be located in subsection (2)(A) of this rule.)

(A) General. The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

1. *[In Table 1 of 40 CFR 261.2, add an asterisk in column 3, row 6, Reclamation of Commercial Chemical Products listed in 40 CFR 261.33 and add the following additional footnotes: "Note 2. Commercial chemical products listed in 40 CFR 261.33 are not solid wastes when the original manufacturer uses, reuses, or legitimately recycles the material in his/her manufacturing process"; "Note 3. Gasoline and diesel fuels are not solid wastes if they are legitimately used as fuels;"] (Reserved)*

2. *(Reserved)*

3. *(Reserved)*

4. *(Reserved)*

5. *(Reserved)*

6. *(Reserved)*

7. 40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16) added by 63 FR 33823, June 19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.);

8. *[ 40 CFR 261.4(a)(20) and (21) are not incorporated in this rule;] (Reserved)*

9. A generator shall submit the information *[required]* in 40 CFR 261.4(e)(2)(v)(C) as incorporated in this rule to the department along with the Generator's Hazardous Waste Summary Report *[required]* in 10 CSR 25-5.262(2)(D)1.;

10. The changes to 40 CFR 261.5, special requirements for hazardous waste generated by conditionally exempt small quantity generators, incorporated in this rule are as follows:

A. The modification set forth in 10 CSR 25-3.260(1)(A)24. applies in this rule in addition to other modifications set forth;

B. 40 CFR 261.5(g)(2) is not incorporated in this rule;

11. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 261.6(a)(3)(i), as incorporated in this rule. The state may not assume authority from the Environmental Protection Agency (EPA) to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies;

12. *(Reserved)*

13. *(Reserved)*

14. *(Reserved)*

15. *[The resource recovery of hazardous waste is regulated by 10 CSR 25-9.020. An owner or operator of a facility that uses, reuses, or recycles hazardous waste shall be certified under 10 CSR 25-9 or permitted under 10 CSR 25-7, unless otherwise excluded. Therefore, the parenthetical text in 40 CFR 261.6(c)(1) is not incorporated in this rule;] and (Reserved)*

16. In accordance with section 260.432.5(2), RSMo, used cathode ray tubes (CRTs) may not be placed in a sanitary landfill, except as permitted by section 260.380.3, RSMo.

**AUTHORITY:** section 260.370, RSMo [Supp. 2013] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will cost public entities two hundred three thousand six hundred ninety-eight dollars (\$203,698) annually in the aggregate. These costs are detailed in the attached public entity fiscal note for this rule.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.



**FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

Rule Number and Name:	10 CSR 25-4.261, Identification of Hazardous Waste
Type of Rulemaking:	Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	Loss of \$203,698 annually in hazardous waste tonnage fees for recycled hazardous secondary material no longer defined as hazardous waste
Total annual loss to Department of Natural Resources	\$203,698

**III. Worksheet**

**Loss of hazardous waste fees on excluded material**

In-State Waste Fee reduced by \$152,948

Registration Renewal Fee reduced by \$50,750.00

Total loss of hazardous waste fees = \$152,948 + \$50,750 = \$203,698

**IV. Assumptions**

1. Approximately 20 facilities operate under resource recovery certificates. The Department assumes that all 20 facilities will choose to operate under one of the exclusions available to hazardous waste generators in the federal Definition of Solid Waste rule proposed for adoption. The decreased revenue associated with these facilities is addressed in the fiscal note for the proposed rescission of 10 CSR 25-9.020 and is not included here
2. Hazardous waste fees based on the amount of hazardous waste generated would no longer apply to hazardous secondary materials recycled under one of the exclusions proposed for adoption as this material is not defined as hazardous waste

3. Loss of hazardous waste fees is based on the amount of fees charged for this material in FY 17 that would no longer be collected if the recycled material is no longer defined as hazardous waste
4. Although the number of generators claiming the exclusion, the amount of material recycled under one of the exclusions, and the associated fees will vary from year to year, the Department assumes a constant amount for purposes of this fiscal note
5. The calculations were made on the assumption that every generator that has a waste stream eligible to be excluded does claim the exclusion.
6. Waste streams included in the calculation:
  - a. Any waste stream with a management method code of H010, H020 or H039;
  - b. Any waste stream with the word "paint" in the description
  - c. Any waste stream containing a word on the high priority solvents listed that is part of the definition of solid waste rule.
7. Generators will direct that waste streams eligible for the exclusion will be handled in a manner that will allow them to claim the exclusion rather than continuing to have the waste handled in the manner that would not allow the exclusion to be claimed.
8. The calculations do not capture every waste stream that may be eligible to be excluded. Due to space limitations in the database, there may be many waste streams where a word that would put the waste stream in the excluded universe was not in the description entered into the database. The Department is not able to estimate to what extent that applies. The loss should be looked at as a minimum loss.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 5—Rules Applicable to Generators of Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste.** The commission proposes to amend sections (1) and (2) of the rule.

*PURPOSE: All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.*

(1) The regulations set forth in 49 CFR part 172, October 1, 2013, 40 CFR 302.4 and .5, July 1, 2013, and 40 CFR part 262, July 1, 2013, except subpart H, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) *[shall apply]* **applies** in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent *[shall]* **rules** control.

(2) A generator located in Missouri, except as conditionally exempted in accordance with 10 CSR 25-4.261, shall comply with the requirements of this section in addition to the requirements incorporated in section (1). *[Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control.]* (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section.)

(A) General. The following registration requirements are additional requirements to, or modifications of, the requirements specified in 40 CFR part 262 subpart A:

1. In lieu of 40 CFR 262.12(a) and (c), a generator located in Missouri **shall** comply with the following requirements:

A. A person generating in one (1) month or accumulating at any one (1) time the quantities of hazardous waste specified in 10 CSR 25-4.261 and a transporter who is *[required]* **subject to [register] registration** as a generator under 10 CSR 25-6.263 shall register and is subject to applicable rules under 10 CSR 25-3.260–10 CSR 25-9.020 and 10 CSR 25-12.010; and

B. Conditionally exempt generators may choose to register and obtain Environmental Protection Agency (EPA) and Missouri identification numbers, but in doing so will be subject to any initial registration fee and annual renewal fee outlined in this chapter;

2. An owner or operator of a treatment, storage, **and disposal, or resource recovery**/ facility who ships hazardous waste from the facility shall comply with this rule;

3. The following constitutes the procedure for registering:

A. A person *[who is required to register]* **subject to registration** shall file a completed registration form furnished by the department. The department *[shall]* requires an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration form, the signature requirement will be consistent with the legally-accepted standards in Missouri for an electronic signature on documents. All generators located in Missouri **shall** use only the Missouri version of the registration form;

B. A person *[required to register]* **subject to registration** shall also complete and file an updated generator registration form if the information filed with the department changes;

C. The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize storage, treatment, or disposal and to ensure proper hazardous waste management;

D. A person *[who is required to register]* **subject to generator registration**, and those conditionally-exempt generators who choose to register, shall pay a one hundred dollar (\$100) initial or reactivation registration fee at the time their registration form is filed with the department. If a generator site has an inactive registration, and a generator *[required to register]* **subject to registration** reactivates that registration, the generator shall file a registration form and pay the one hundred dollar (\$100) registration reactivation fee. The department *[shall]* **will** not process any form for an initial registration or reactivation of a registration if the one hundred dollar (\$100) fee is not included. Generators *[required to register]* **subject to registration** shall thereafter pay an annual renewal fee of one hundred dollars (\$100) in order to maintain their registration in good standing; and

E. *[Any]* **The department will immediately revoke the registration of any person who pays the registration fee with what is found to be an insufficient check [shall have their registration immediately revoked];**

4. The following constitutes the procedure for registration renewal:

A. The calendar year *[shall]* constitutes the annual registration period;

B. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

C. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but *[shall]* **does** not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, *[they shall pay]* **the generator pays** the annual renewal fee;

D. **The department will administratively inactivate the registration of [A/]any generator [required to register] subject to registration** who fails to pay the annual renewal fee by the due date specified on the billing *[shall]*, **and the generator will be [administratively inactivated and]** subject to enforcement action for failure to properly maintain their registration;

E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay the fifteen percent (15%) late fee *[required by]* **in** section 260.380.4, RSMo, in addition to the one hundred dollar (\$100) annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

F. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay the fifteen percent (15%) late fee *[required by]* **in** section 260.380.4, RSMo, in addition to the one hundred dollar (\$100) annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

G. **The department will immediately revoke the registration of [A/]any person who pays the annual renewal fee with what is found to be an insufficient check [shall have their registration immediately revoked];** and

5. The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

(B) **(Reserved)** [The Manifest. Additional manifest and reporting requirements are set forth in subsections (2)(D) and (E). This subsection is applicable to all Missouri generators and to all other generators who deposit hazardous waste in Missouri. (Note: This section is not applicable to an out-of-state or international generator who is shipping hazardous waste through, in less than ten (10) days, but not depositing hazardous waste in Missouri. This subsection does not prevent a transporter from voluntarily carrying information in addition to the manifest. Any reference to the United States Environmental Protection Agency (EPA) form 8700-22 means the form as revised by EPA and approved by the federal Office of Management and Budget (OMB)).]

[1. Generators must record either the total weight in kilograms or pounds or the specific gravity for wastes listed or measured in gallons, liters, or cubic yards.

2. Manifest reporting. This paragraph sets forth additional requirements for manifest reporting. The generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the hazardous waste was accepted by the initial transporter.]

(C) Pretransport, Containerization, and Labeling Requirements.

[1. In addition to labeling containers used to accumulate hazardous waste in accordance with the requirements in 40 CFR 262.34(a)(2), (a)(3), and (d)(4), generators must also comply with either subparagraphs A. or B. below.

A. All containers used to accumulate hazardous waste must be labeled in accordance with applicable United States Department of Transportation labeling requirements in 49 CFR part 172 subpart E during the entire time the waste is accumulated on-site. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack, or other device used to hold or accumulate any such container; or

B. Clearly label each container with words that correctly identify the hazards of the contents of the container during the entire on-site storage period. Such words shall include one (1) or more of the following as defined in 40 CFR part 261 subparts C and D: Ignitable, Toxic, Corrosive, or Reactive. The label shall be white with black lettering or black with white lettering that is a minimum of one (1) inch in height. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack, or other device used to hold or accumulate any such container. Note that pursuant to 49 CFR 172.401, "No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part."

2. In addition to labeling requirements for tanks used to accumulate hazardous waste in accordance with the requirements of 40 CFR 262.34(a)(3) and (d)(4), generators must also comply with the 2012 Edition of the National Fire Protection Association Standard NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response to identify the hazards of the tank contents. The 2012 edition of NFPA 704 is hereby incorporated by reference without any subsequent amendments or additions, and is published by the National Fire Protection Association, 1 Battery March Park, Quincy, MA, 02169-7471.

3. Satellite accumulation. As an alternative to compliance with the accumulation limits in 40 CFR 262.34(c)(1), generators who instead wish to store up to fifty-five (55) gallons of each non-acute hazardous waste stream, or up to

one (1) quart of each acutely hazardous waste stream in a satellite accumulation area may do so if they comply with the other applicable requirements of 40 CFR 262.34(c) and the following additional requirements:

A. The generator must notify the department that it has chosen to comply with the additional requirements in this section and must also re-notify at any time it changes this decision. Such notification must be made by submitting an updated Notification of Regulated Waste Activity Form. All satellite accumulation areas at the generator's location must operate under the same requirements;

B. The generator may not use more than one (1) container per wastestream;

C. Each container must be marked with its beginning date of satellite storage;

D. A container of hazardous waste stored in a satellite accumulation area pursuant to this paragraph 3. shall be removed from the satellite accumulation area within three (3) calendar days if any of the following occurs:

(I) One (1) year has passed since the accumulation start date;

(II) The container is full; or

(III) The container has reached its volume limit.

E. A container of hazardous waste removed from the satellite accumulation area pursuant to subparagraph D. above must be taken to the generator storage area, shipped off-site for proper hazardous waste management, or managed in accordance with an approved hazardous waste permit or certification at the site.

F. In lieu of 40 CFR 262.34(c)(2), during the three (3) day period referenced in subparagraph D. above, the generator may start a new satellite container for that wastestream if in compliance with all other requirements of paragraph 3. and 40 CFR 262.34(c)(1) as modified by this paragraph 3.]

[4.] 1. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.

[5. Generators who accumulate more than six thousand (6000) kilograms of ignitable or reactive hazardous waste may elect to comply with 10 CSR 25-7.264(2)(I) in lieu of 40 CFR 265.176.]

(D) Record Keeping and Reporting. In addition to requirements in 40 CFR 262.40, generators shall retain registration information [required] in subsection (2)(A) of this rule and the Generator's Hazardous Waste Summary Report [required] in paragraph (2)(D)1. of this rule for no fewer than three (3) years.

1. This paragraph establishes requirements for quarterly Generator's Hazardous Waste Summary Reports.

A. All generators [who are required to register] **subject to registration** in accordance with subsection (2)(A) of this rule shall complete a Generator's Hazardous Waste Summary Report/. This report shall be/ that is completed on a form provided by the department or on a reproduction of the form provided by the department or in the same format as the form provided by the department after review and approval by the department.

B. A [P]erson/s/ who does not ship any hazardous wastes or who makes only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or [are] is defined as a small quantity generator for the entire reporting year, or [are] is defined as a large quantity generator and filing their report electronically in a manner prescribed by the department, may file an annual report by August 14 following the reporting year period. However, a person/s/ who [are] is defined as a large quantity generator and [have] has more than one (1) shipment of hazardous waste during the reporting years, and does not file their report using the electronic method prescribed by the department, shall file quarterly. [Large quantity generators may submit an annual report electronically beginning with the reporting period of July 1, 2015-June 30, 2016, or sooner if the system for electronic reporting is in place prior to that reporting period.]

C. A generator who is registered with the department shall report the quantity, type, and status of all hazardous waste(s) shipped off-site during the reporting period on the Generator's Hazardous Waste Summary Report regardless of the destination of the shipment(s).

D. The Generator's Hazardous Waste Summary Report shall be signed and certified by an authorized representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3. The certification statement shall read as follows: "CERTIFICATION: I certify under penalty of law that I personally examined and am familiar with the information submitted on this form and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." The handwritten signature of the authorized representatives shall follow this certification.

E. The generator shall submit the completed Generator's Hazardous Waste Summary Report within forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal date of November 14 of the same year; and October 1 through December 31, with a submittal date of February 14 of the following year.

F. A generator shall submit the information [required] in 40 CFR 261.4(e)(2)(v)(C) incorporated by reference in 10 CSR 25-4.261(1) to the department along with the completed Generator's Hazardous Waste Summary Report.

G. *[Generators failing]* **The department will administratively inactivate the registration of any generator that fails to file the [reports required by this rule shall have their registration administratively inactivated] Generator's Hazardous Waste Summary Report. [Their registration shall] The generator's registration will be reactivated after all [required] reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.**

2. Reporting requirements for small quantity generators. 40 CFR 262.44 is not incorporated in this rule.

(E) Exports of Hazardous Waste. This subsection modifies the incorporation of 40 CFR part 262 subpart E. The state cannot assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit acknowledgements of consent to the exporter. In addition, the annual reports and exception reports [required] in 40 CFR 262.55 and 262.56, incorporated in this rule, shall be filed with the EPA administrator *[and copies shall be]* **with copies** provided to the department. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 262.51, 262.52, 262.53, 262.54, 262.55, 262.56, and 262.57, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies (for example, the federal Department of Transportation and the Bureau of the Census of the Department of Commerce).

(F) Imports of Hazardous Waste. The United States importer shall also comply with the following requirements:

1. In addition to registration requirements specified in this section, the United States importer shall register as generator in accordance with this section and *[shall be responsible]* **has responsibility** for compliance with all applicable requirements specified in this section. The United States importer shall register with the department as a generator, and four (4) weeks in advance of the date the waste is expected to enter the United States, *[shall]* specifically identify hazardous waste(s) intended to be imported by their EPA waste number(s) found in 40 CFR 261 and this section; and

2. The United States importer shall keep and maintain the following information on each shipment which is imported and make available upon departmental request:

A. If the waste is a mixed bulk shipment of multi-generator wastes, the individual original foreign generator's names and addresses and the wastes' technical chemical names from each source;

B. Quantity of waste from each imported source; and

C. List of EPA waste numbers found in 40 CFR 261 and this section which are applicable to the waste(s) from each source.

(J) Generator Fee and Taxes. A generator who is *[required to register]* **subject to registration** under this rule, unless otherwise exempted, shall pay fees and taxes in accordance with 10 CSR 25-12.010. *[Generators failing]* **The department will administratively inactivate the registration of any generator who fails to pay the fees, taxes, or applicable late fees outlined in 10 CSR 25-12.010 by the due date [shall have their registration administratively inactivated]. [Their] The department will reactivate the generator's registration [shall be reactivated]** after all applicable fees, taxes, and late fees are paid and an updated generator registration form is submitted to the department.

*AUTHORITY: sections 260.370[, RSMo Supp. 2013,] and [section] 260.380, RSMo [Supp. 2014] 2016. This rule was previously filed as 10 CSR 25-5.010. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed June 14, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 6—Rules Applicable to Transporters of  
Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-6.263 Standards for Transporters of Hazardous Waste.** The commission proposes to amend sections (1) and (2) of the rule.

*PURPOSE: All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and*

*hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.*

(1) The regulations set forth in 40 CFR part 263, July 1, 2013; 49 CFR parts 171–180, November 1, 1990, and December 1, 1997; and 49 CFR parts 40, 383, 387, 390–397, October 1, 1990, and October 1, 1997, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference, except for 49 CFR 390.3(f)(2), which is not incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) *[shall apply]* **applies** in this rule in addition to any other modifications set forth in section (2) of this rule except that the modifications do not apply to the 49 CFR parts incorporated in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent *[shall]* **rules** control.

(2) A hazardous waste transporter shall comply with the requirements of this section in addition to those set forth in section (1). Any reference to a 40 CFR cite in this section *[shall]* means as that provision is incorporated in 10 CSR 25. *[Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control.]* (Comment: This section has been organized in order within the corresponding subsection of this section. For example, the additional requirements being added to 40 CFR part 263 subpart A are found in subsection (2)(A).)

(A) In addition to the requirements in 40 CFR part 263 subpart A, the following *[shall apply]* **applies**:

1. In 40 CFR 263.10(a) and (c)(1), incorporated in this rule, substitute “the state of Missouri” for “United States”;

2. In the last paragraph of the note following 40 CFR 263.10(a), change “49 CFR parts 171 through 179” to “49 CFR parts 171 through 180 and parts 383, 387, and 390–397” and add the following to the note: “The parts of 49 CFR are incorporated to the extent that these regulations do not conflict with the laws and regulations of the state of Missouri, or, in the event the regulations conflict, the more stringent *[shall]* **regulations** control. The equipment used in the transportation of hazardous waste shall meet the standards of the Missouri Department of *[Economic Development's]* **Transportation's** Division of Motor Carrier and Railroad Safety, the United States Department of Transportation, *[or any combination of them,]* **and the Federal Railroad Administration, or any combination of them,** as applicable for the types of hazardous materials for which it will be used. The equipment to be used in the transportation of hazardous waste shall be compatible with that waste and *[shall be]* adequate to protect the health of humans and prevent damage to the environment”;

3. License requirements for power unit transporters of hazardous waste, used oil, or infectious waste. *[Transporters required by]* **In accordance with** 10 CSR 25-6.263, 10 CSR 25-11.279(2)(E)1., or 10 CSR 80-7.010(4), to be licensed by the department **hazardous waste transporters** shall comply with the following requirements:

A. Power unit transporters shall submit to the department an application for a license on a form furnished by the department/. *The form shall be]* **and** completed with the following information:

(I) The applicant's name, address, location of the principal office, or place of business, and the legal owner of the applicant company;

(II) A description of the service proposed to be rendered;

(III) The applicant's Environmental Protection Agency (EPA) identification number;

(IV) The number of power units to be used;

(V) A certification that the applicant's equipment and operating procedures meet the standards of the Missouri Division of Motor Carrier and Railroad Safety, the Federal Department of Transportation (DOT), or the Federal Railroad Administration, or both;

(VI) A description of each power unit to include make, model, year, vehicle identification number (VIN), licensed vehicle weight, and state and number of the license plate/. *Also required is/* **and** a description of the trailers (cargo box, van, tank) and maximum trailer capacities used by the transporter;

(VII) A disclosure statement for the applicant, principal corporate officers, and the holders of more than twenty percent (20%) of the applicant company. If any of these persons were involved in hazardous waste management before their association with the applicant company, the applicant shall submit this information to the department including the names of these persons and the names and locations of the companies with which they were associated; and

(VIII) For applicants who are not residents of Missouri, a written statement designating the director of the department as the authorized agent upon whom legal service may be made for all actions arising in Missouri from any operation of motor vehicles under authority of the department.

B. In addition to the completed application, an applicant shall submit each of the following:

(I) A fee as specified in 10 CSR 25-12.010;

(II) The insurance document(s) as specified in paragraph (2)(A)4. of this rule; and

(III) Statements, documents, or both, of the following, where applicable:

(a) If the applicant is a partnership, include an affidavit to this effect signed by the proprietor or include a copy of the partnership agreement. If no written partnership agreement has been entered into, include a statement summarizing the agreement between the parties which is signed by each of the partners and certified by a notary public;

(b) If the applicant is a Missouri corporation or a foreign corporation with authority to conduct business in Missouri or is a foreign corporation with facilities or employees in Missouri, a Certificate of Corporate Good Standing from the Missouri secretary of state *[shall be included.]* **and** *[/]*if the applicant is a nonresident corporation without facilities or employees in Missouri, a Certificate of Good Standing from the state or country of residence *[shall be included];* and

(c) If the applicant is conducting its business under an assumed or fictitious name, a certified copy of the registration with the Missouri secretary of state of the assumed or fictitious name *[shall be included].*

C. License renewal.

(I) **At least sixty (60) days prior to the expiration date of his/her current license,** *[A/a]* hazardous waste transporter wishing to renew his/her license shall submit a license renewal application on a form furnished by the department *[and shall submit other applicable information, as specified in this section, to the department at least sixty (60) days prior to the expiration date of his/her current license. A Certificate of Corporate Good Standing must be submitted with the renewal. This certificate must have been issued in the twelve (12) months preceding the license expiration date. Insurance requirements must be satisfied as specified in paragraph (2)(A)4. of this rule except for other than power unit carriers. The renewal application shall be accompanied by a fee as specified in 10 CSR 25-12., including a Certificate of Corporate Good Standing issued within the twelve (12) months preceding the license expiration date, documents that satisfy the insurance requirements in paragraph (2)(A)4. of this rule, except for other than power unit carriers, and a fee as specified in 10 CSR 25-12.*

D. Power unit additions, replacements, and temporary permits. Changes made to the power unit listings as shown on the current

license application or renewal form shall be reported to the department as follows: A power unit can be added by submitting a written description of the power unit to be added and paying a fee in accordance with 10 CSR 25-12.010. A power unit can be replaced for another without any charge by submitting a description of the original power unit and its replacement. A power unit can be issued a temporary permit for a thirty- (30-)/- day period by submitting a written description of the power unit and paying a fee in accordance with 10 CSR 25-12.010.

E. Proof of license. A transporter shall carry proof of license with each power unit transporting hazardous waste within Missouri. A legible copy of this certificate shall be in the possession of the driver of the power unit and *[shall be]* shown **upon demand** to representatives of the department, officers of the Missouri State Highway Patrol, and other law enforcement officials *[upon demand]*;

4. Insurance.

A. Transporters licensed in accordance with this chapter shall at all times have on file with the department a certification of public liability (bodily injury and property damage) insurance which *[shall]* include the required, uniform endorsements covering each motor vehicle in accordance with 49 CFR part 387 incorporated by reference in this rule. The minimum level of insurance coverage shall not be less than one (1) million dollars combined single limit. (Comment: The federal regulations at 49 CFR 387.9 set forth certain conditions which require five (5) million dollars coverage.)

B. The certificate of insurance shall *[state that the insurer has issued to the motor carrier a policy of insurance which, by endorsement, provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon the motor carrier by the provisions of the law of Missouri. The certificate shall be duly completed and executed by the insurer on Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance. The endorsements shall be attached to the insurance policy and shall form a part of that policy. The endorsements shall be made on Form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsements. The certificate shall be duly completed and executed by the insurer. The surety bond shall be in the form set forth in Form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond. The bond shall be duly completed and executed by the surety and principal.]—*

(I) *State that the insurer has issued to the motor carrier a policy of insurance which, by endorsement, provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon the motor carrier by the provisions of the law of Missouri;*

(II) *Be duly completed and executed by the insurer on Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance;*

(III) *Be duly completed and executed by the insurer with the endorsements made on Form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsements attached to the insurance policy and forming a part of that policy; and*

(IV) *A surety bond, duly completed and executed by the surety and principal, in the form set forth in Form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond.*

C. An insurer under the provisions of this rule shall submit to the department not fewer than thirty (30) days' notice of cancellation of motor carrier bodily injury and property damage liability insurance by filing with the department the form of notice set forth in Form K—Uniform Notice of Cancellation of Motor Carrier Insurance Policies. The notice shall be duly completed and executed by the insurer. A surety under the provisions of this rule shall give the department not fewer than thirty (30) days' notice of the cancellation of motor carrier bodily injury and property damage liability surety bond by filing with the department the form of notice set forth

in Form L—Uniform Notice of Cancellation of Motor Carrier Surety Bond. The notice shall be duly completed and executed by the surety or motor carrier.

D. Forms E, F, G, K, and L referred to in subparagraphs (2)(A)4.B. and C. of this rule are the standard forms determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of section 202(b)(2) of the Interstate Commerce Act, 49 U.S.C. section 302(b)(2), 1994.

E. Before any policy of insurance will be accepted by the department, the insurance company issuing the policy or the carrier offering the same, upon request of the department, shall furnish evidence satisfactory to the department that the insurance company issuing the policy is duly authorized to transact business in Missouri and that it is financially able to meet the obligations of the policy offered.

F. All insurance certificates and surety bonds filed with the department shall remain on file with the department and shall not be removed except with the written permission of the director.

G. A new certificate of insurance shall be filed for reinstatement of insurance which has been canceled;

5. Vehicle marking. The transportation vehicle used to ship hazardous waste shall be marked in accordance with 49 CFR 390.21(b) and (c);

6. No hazardous waste shall be accepted for transport unless it has been properly loaded and secured in accordance with 49 CFR 177.834;

7. Incompatible wastes. A waste shall not be added to an unwashed or uncleaned container that previously held an incompatible material;

8. In addition to the requirements in 40 CFR 263.10(c)(1), add the following requirements: A transporter who accepts shipments of hazardous waste from a person not *[required to register]* **subject to registration** as a generator in accordance with 10 CSR 25-5.262, and in so doing accumulates one hundred kilograms (100 kg) or more of hazardous waste, becomes a generator and shall comply with 10 CSR 25-5.262 in addition to the requirements of this rule. (Note: This provision is not intended to apply to municipal waste haulers who may unknowingly pick up small quantities of hazardous waste that may have been deposited in solid waste containers along their routes.);

9. In addition to the requirements in 40 CFR 263.11, add the following: "In the event that an EPA identification number has not been assigned, the department will assign an EPA identification number." The applicant shall also submit an application for license in accordance with this rule at the time of notification; and

10. In addition to the requirements in 40 CFR 263.12, the following rules apply to transfer facilities (Note: Used oil transfer facilities are regulated under 10 CSR 25-11.279.):

A. A hazardous waste transported intrastate or into the state by motor carrier shall arrive at its destination in ten (10) calendar days or less from the date the initial transporter signs the manifest, or when the waste first enters the state, unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

B. A hazardous waste destined for out-of-state treatment, storage, or disposal shall leave the state in ten (10) calendar days or less from the date the initial transporter signs the manifest unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

C. A hazardous waste transported through the state by motor carrier shall pass through the state in ten (10) calendar days or less unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

*[D. A secondary containment system for storage of hazardous waste in containers at a transfer facility shall meet the following requirements:*

*[(I) A containment system shall be designed, maintained, and operated as follows:*

*(a) The containment system shall include a base*



which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed. The base shall be under the container;

(b) The base shall be sloped or the containment system shall be designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(c) The containment system shall have a capacity equal to ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater (Containers that do not contain free liquids need not be considered in this calculation.);

(d) Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in part (2)(A)10.D.(I) of this rule to contain any run-on which might enter the system; and

(e) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area as necessary to prevent overflow of the collection system; and

(II) The containment system shall be inspected as part of the weekly inspections required by 40 CFR 265.174 incorporated by reference in 10 CSR 25-7.265(1);

E. The following requirements apply to the management of ignitable, reactive, incompatible, or volatile wastes at a transfer facility: A transporter shall take precautions to prevent accidental ignition or reaction of ignitable or reactive wastes. These hazardous wastes shall be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (that is, from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, a transporter shall confine smoking and open flame to specially designated locations. No Smoking signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste;]

D. A secondary containment system for storage of hazardous waste in containers at a transfer facility shall be designed, maintained, and operated as follows:

(I) With a base under the container(s) which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

(II) With the base sloped or the containment system designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(III) With a capacity equal to ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater (Containers that do not contain free liquids need not be considered in this calculation.);

(IV) With run-on into the containment system prevented unless the collection system has sufficient excess capacity in addition to that specified in part (2)(A)10.D.(I) of this rule to contain any run-on which might enter the system; and

(V) With removal of spilled or leaked waste and accumulated precipitation from the sump or collection area as necessary to prevent overflow of the collection system; and

(VI) Including the containment system as part of the weekly inspections specified in 40 CFR 265.174 incorporated by reference in 10 CSR 25-7.265(1);

E. The following requirements apply to the transporter's management of ignitable, reactive, incompatible, or volatile

wastes at a transfer facility:

(I) Take precautions to prevent accidental ignition or reaction of ignitable or reactive wastes;

(II) Separate and protect wastes identified in subparagraph E. of this section from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (that is, from heat-producing chemical reactions), and radiant heat;

(III) While ignitable or reactive waste is being handled, confine smoking and open flame to specially designated locations; and

(IV) Conspicuously place No Smoking signs wherever there is a hazard from ignitable or reactive waste;

F. Preparedness and prevention. A transporter shall equip the transfer station as specified in 40 CFR 265.32 incorporated by reference in 10 CSR 25-7.265(1). In addition, a transporter shall also provide safety equipment such as fire blankets, gas masks, and self-contained breathing apparatus unless the hazards posed by the type of waste managed does not warrant using this additional safety equipment;

G. Closure. At closure of the storage area, a transporter shall remove and properly dispose of all hazardous waste and hazardous residues. For the purpose of this subparagraph, closure shall occur when the storage of hazardous wastes has not occurred, or is not expected to occur for one (1) year, or when the transporter's license lapses, whichever first occurs;

H. The contents of separate containers of hazardous waste may not be combined at a transfer facility. **Individual lab packed containers may be placed in a larger container if, [W]hen** containers are overpacked, the transporter [shall] affixes labels to the overpack container, which are identical to the labels on the original shipping container; and

I. A transfer facility shall not be the same facility as designated in item [9] 8 of the manifest.

(B) Compliance with the Manifest System and Record Keeping. This subsection sets forth requirements in addition to or in lieu of the requirements set forth in 40 CFR part 263 subpart B.

1. Manifests.

A. In lieu of the requirements in 40 CFR 263.20(a), the following shall apply:

(I) In addition to the requirements in 10 CSR 25-5.262, a transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed and dated by the generator which contains federally-required information in accordance with 10 CSR 25-5.262, except that the transporter may accept shipments of hazardous waste without a manifest from persons not required to register as provided in 10 CSR 25-5.262(2)(A) provided that the waste is transported only to a facility which is permitted or certified to accept the waste. The transporter shall maintain records on wastes accepted from those generators which contain information including the type or identity of each waste, the source of each waste, and disposition of each waste. (Note: This paragraph is not intended to apply to municipal waste haulers who may unknowingly pick up small quantities of hazardous waste that may have been deposited in solid waste containers along their routes.)

(II) Hazardous waste shall be transferred between licensed transporters only; and

(III) For exports, the transporter shall also comply with the following requirements: A transporter may not accept hazardous waste from a primary exporter or other person—1) if s/he knows the shipment does not conform to the EPA Acknowledgement of Consent, and 2) unless, in addition to a manifest signed in accordance with 10 CSR 25-5, the waste is also accompanied by an EPA Acknowledgement of Consent which, except for shipment

by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). The shipping paper for exports by water (bulk shipment) shall contain all the information required on the manifest and, for exports, an EPA Acknowledgement of Consent shall accompany the hazardous waste. Rail transporters shall ensure that a shipping paper contains all the information required on the manifest and, for exports, an EPA Acknowledgement of Consent accompanies the hazardous waste at all times. A transporter shall also provide a copy of the manifest to a United States Customs official at the point of departure from the United States.]

(I) In addition to the requirements in 10 CSR 25-5.262, a transporter shall not accept hazardous waste from a generator unless it is accompanied by a completed uniform hazardous waste manifest signed and dated by the generator containing information in accordance with Subpart B of 40 CFR part 262, except that the transporter may accept shipments of hazardous waste without a manifest from persons not subject to registration as provided in 10 CSR 25-5.262(2)(A) provided that the waste is transported only to a facility which is permitted or certified to accept the waste. The transporter shall maintain records on wastes accepted from those generators which contain information including the type or identity of each waste, the source of each waste, and disposition of each waste. (Note: This paragraph is not intended to apply to municipal waste haulers who may unknowingly pick up small quantities of hazardous waste that may have been deposited in solid waste containers along their routes.);

(II) Hazardous waste shall be transferred between licensed transporters only; and

(III) For exports, the transporter shall also comply with the following:

(a) Accept no hazardous waste from a primary exporter or other person—1) if s/he knows the shipment does not conform to the EPA Acknowledgement of Consent, and 2) unless, in addition to a manifest signed in accordance with 10 CSR 25-5, the waste is also accompanied by an EPA Acknowledgement of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment));

(b) Use shipping papers for exports by water (bulk shipment) that contain all the information required on the manifest and, for exports, accompany the hazardous waste with an EPA Acknowledgement of Consent;

(c) If a rail transporter, ensure that a shipping paper contains all the information required on the manifest and, for exports, an EPA Acknowledgement of Consent accompanies the hazardous waste at all times;

(d) Provide a copy of the manifest to a United States Customs official at the point of departure from the United States.

B. In addition to requirements in 40 CFR 263.22, the following shall apply: *[Each day that a vehicle is used for the transportation of hazardous waste, the driver of that vehicle, prior to the transportation, shall inspect the vehicle to meet the requirements of 49 CFR 396.11 incorporated by reference in section (I) of this rule. The vehicle inspection shall be documented in writing. At a minimum once annually, transporters shall provide and document hazardous waste/materials training for each driver employee who transports hazardous waste. Records relating to hazardous waste transportation shall be available to representatives of the department for inspection and copying during regular business hours. Current files on driver vehicle inspections, vehicle maintenance, annual employee training, and records of incident reports shall also be maintained for a period of three (3) years by the licensed transporter regardless of whether the vehicle(s) is owned or leased. The period of record retention for these records also extends automatically during the course of any unresolved enforcement action, and the*

*records shall be available to authorized representatives of the department for inspection and copying during regular business hours.]*

(I) Each day that a vehicle is used for the transportation of hazardous waste, the driver of that vehicle, prior to the transportation, shall inspect the vehicle to meet the requirements of 49 CFR 396.11 incorporated by reference in section (I) of this rule;

(II) Document the vehicle inspection in writing;

(III) At a minimum once annually, transporters shall provide and document hazardous waste/materials training for each driver employee who transports hazardous waste;

(IV) Make records relating to hazardous waste transportation available to representatives of the department for inspection and copying during regular business hours; and

(V) Maintain current files on driver vehicle inspections, vehicle maintenance, annual employee training, and records of incident reports for a period of three (3) years. Files shall be maintained by the licensed transporter regardless of whether the vehicle(s) is owned or leased. The period of record retention for these records also extends automatically during the course of any unresolved enforcement action, and the records shall be available to authorized representatives of the department for inspection and copying during regular business hours.

2. (Reserved)

(C) Immediate Action. In addition to the requirements in 40 CFR part 263 subpart C, the following shall apply:

1. In addition to requirements in 40 CFR 263.30(c)(1), the transporter shall also notify the department at the earliest practical moment of a hazardous waste discharge by calling the department's emergency number, (573) 634-2436 (634-CHEM); and

2. In addition to requirements in 40 CFR 263.30(c)(2), the transporter shall also submit a copy of that report to the department.

(D) Operations of Transporters by Modes Other Than Power Unit.

1. A person who transports hazardous waste by a mode other than power unit shall comply with paragraphs (2)(A)1. and 2., parts (2)(A)3.A.(V), (2)(A)3.B.(I) and (III), subparagraph (2)(A)3.C., paragraphs (2)(A)7., 8., 9., and 10., and subsections (2)(B) and (C) of this rule.

2. Application form. An applicant shall submit a completed, department-furnished form which *[shall]* contain the following information: name, address, type of transport vehicles to be used in hazardous waste transport, and EPA identification number. If an EPA identification number has not been assigned by the EPA, the department will assign an identification number *[as provided to the department by the EPA]*.

3. An applicant shall complete and submit a Non-Motor Carrier Certification of Financial Responsibility form provided by the department to satisfy the transporter insurance requirement.

*AUTHORITY: sections 260.370, 260.373, 260.385, and 260.395, [RSMo Supp. 2013, and section 260.385,] RSMo [2000] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed June 14, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify*

may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners [or] Operators  
of Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.** The commission proposes to amend sections (1), (2), and (3) of the rule.

*PURPOSE: All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.*

(1) The regulations set forth in 40 CFR part 264, July 1, 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) [shall] apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent [shall] rules control.

(2) The owner or operator of a permitted hazardous waste treatment, storage, or disposal facility shall comply with this section in addition to the regulations of 40 CFR part 264. In the case of contradictory or conflicting requirements, the more stringent [shall] requirements control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)

(A) General. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart A.

*[1. A treatment permit is not required under this rule for a resource recovery process that has been certified by the department in accordance with 10 CSR 25-9.020. Storage of hazardous waste prior to resource recovery must be in compliance with this rule.]*

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart E.

1. Missouri requires an original copy of the manifest to be submitted to the department by all in-state and out-of-state treatment, storage, or disposal facilities (TSDFs) in accordance with 40 CFR 264.71(e).

2. The owner or operator of a hazardous waste management

facility shall submit a report to the department as set forth in this paragraph.

A. All owners or operators shall comply with the reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the owner or operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.

B. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, [resource recovery,] or disposal, the owner or operator shall meet the same requirements for the following:

(I) All hazardous waste generated on-site during the reporting period that is managed on-site; and

(II) All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the owner or operator.

C. In addition to the information [required] specified in 10 CSR 25-5.262(2)(D), an owner or operator shall include the following information in the summary report:

(I) A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

(II) For each hazardous waste that was received from off-site, a description and the quantity of each hazardous waste, the corresponding state, and EPA identification numbers of each generator;

(III) For imports, the name and address of the foreign generator;

(IV) The corresponding method of treatment, storage, [resource recovery,] disposal, or other approved management method used for each hazardous waste; and

(V) The quantity and description of hazardous waste residue generated by the facility; and].

*[(VI) A summary of both quantitative and qualitative groundwater monitoring data that was received during the reporting period, as required in 40 CFR part 264 subpart F incorporated in this rule and subsection (2)(F) of this rule. (Comment: This does not change the frequency of monitoring required by rules or in specific permit conditions. It only changes the frequency of reporting.)]*

3. As outlined in section 260.380.2, RSMo, all owners or operators shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee [shall be] is referred to as the Out-of-State Waste Fee and [shall not be paid on] does not apply to hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each owner or operator, this fee shall be paid on or before January 1 of each year and [shall be] is based on the total tons of hazardous waste received in the aggregate by that owner or operator for the twelve- (12-) month period ending the previous June 30. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee. Each twelve- (12-) month period ending on June 30 shall be referred to as a reporting year.

B. Owners or operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the [reporting required] reports specified in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, owners or operators may elect, but are not required, to pay the fee at the time they file their final quarterly report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.

### EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:

$$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.  
The number of tons would be rounded to 411:

$$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$$

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.  
The number of tons would be rounded to 52,150:

$$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$$

(I) Containers. This subsection sets forth requirements in addition to 40 CFR part 264 subpart I incorporated in this rule.

1. Containers storing hazardous waste must be labeled in accordance with 10 CSR 25-5.262(2)(C) during the entire storage period.

2. Containers holding ignitable or reactive waste that are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

3. Containers holding ignitable or reactive waste that are stored indoors shall be located at least fifty feet (50') from the facility's property line unless the following requirements are satisfied:

A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half- (1.5-) hour (B) fire door;

B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property, that can be built upon, shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three- (3-) hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Agency (NFPA) Code 80, Standards for Fire Doors and Windows, 1995 edition);

C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance with the NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) standards. Final design of these systems shall be approved by a qualified, registered professional engineer in Missouri;

E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be either a one and one-half inch (1.5") line or a one inch (1") hard rubber line. Where a one and one-half inch (1.5") fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the Code of Federal Regulations (DOT Regulations) or NFPA 386,

Standard for Portable Shipping Tanks shall be used;

G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

H. All containers shall be arranged so there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked or placed closer than three feet (3') from ceilings or any roof members, or both; and

I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.]

(3) Permitted hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad tank car (railcar) shall comply with the requirements for container storage in 40 CFR part 264 subpart I, as incorporated by reference in 10 CSR 25-7.264(1), or the following requirements for railcar management.

(A) The owner or operator shall submit a railcar management plan with the application for a hazardous waste treatment, storage, or disposal facility permit. Permitted facilities that currently accept and/or ship hazardous waste via railcars shall request a Class I permit modification that requires prior director approval for the railcar management plan according to the procedures defined in 40 CFR 270.42 as incorporated in 10 CSR 25-7.270(1).

1. The railcar management plan shall describe steps to be taken by the facility in order to comply with the requirements of subsections (3)(B)–(3)(F).

2. The railcar management plan *[shall]* **will** be maintained at the facility.

(B) Railcars shall not be used as container or tank storage units at a facility unless the owner or operator complies with the standards for container storage set forth in 40 CFR part 264 subpart I as incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270. During the time allowed for loading and unloading as set forth in this section, the railcar *[shall]* is not *[be]* considered to be in storage.

1. The owner or operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The owner or operator shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the facility, type, and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the owner or operator shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

- A. The owner or operator signs the shipping paper; or
- B. The owner or operator signs the manifest; or
- C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo, that fall within the time period approved in the railcar management plan.

4. If the owner or operator finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.

5. The owner or operator shall attempt to arrange for the rail carrier to provide the owner or operator a notification detailing when a railcar was picked up from the facility or when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the owner or operator must document the refusal in the operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the owner or operator utilizing railcars shall comply with the standards for container storage in 40 CFR part 264 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270.

**AUTHORITY:** sections 260.370, 260.390, and 260.395, RSMo [Supp. 2013] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous

Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 25—Hazardous Waste Management Commission**

#### **Chapter 7—Rules Applicable to Owners [or]/ Operators of Hazardous Waste Facilities**

### **PROPOSED AMENDMENT**

**10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.** The commission proposes to amend section (2) and delete section (3) of the rule.

**PURPOSE:** All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(2) The owner or operator of a treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 265 incorporated in this rule. *[In the case of contradictory or conflicting requirements in 10 CSR 25, the more stringent shall control.]* (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the additional requirements to be added to 40 CFR part 265 subpart A are found in subsection (2)(A) of this rule.)

(A) General. In addition to the requirements in 40 CFR part 265 subpart A, the following regulations also apply:

[1. This rule does not apply to an owner or operator for that portion of or process at the facility which is in compliance with 10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes. (Note: Underground injection wells are prohibited in Missouri by section 577.155, RSMo.); and]

[2.]1. State interim status is authorization to operate a hazardous waste treatment, storage, or disposal facility pursuant to section 260.395.15, RSMo, 10 CSR 25-7.265, and 10 CSR 25-7.270 until the final administrative disposition of the permit application is made or until interim status is terminated pursuant to 10 CSR 25-7.270. The owner or operator of a facility or unit operating under state interim status shall comply with the requirements of this rule and 10 CSR 25-7.270. In addition to providing notification to the Environmental Protection Agency (EPA), the owner or operator is required to provide state notification in accordance with 10 CSR 25-7.270.

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth standards which modify or add to those requirements in 40 CFR part 265 subpart E.

1. All owners or operators shall comply with the reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the owner or operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.

2. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, *[resource recovery,]* or disposal, the owner or operator shall meet the same requirements for the following:

A. All hazardous waste generated on-site during the reporting period that is managed on-site; and

B. All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the owner or operator.

3. In addition to the information required in 10 CSR 25-5.262(2)(D), an owner or operator shall include the following information in the summary report:

A. A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

B. For each hazardous waste that is received from off-site, a description and the quantity of each hazardous waste and the corresponding state and EPA identification numbers of each generator;

C. For imports, the name and address of the foreign generator;

D. The corresponding method of treatment, storage, *[resource recovery,]* disposal, or other approved management method used for each hazardous waste.

4. As outlined in section 260.380.2, RSMo, all owners or operators *[shall]* pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee *[shall be]* is referred to as the Out-of-State Waste Fee and *[shall]* is not *[be]* paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each owner or operator, this fee shall be paid on or before January 1 of each year and *[shall be]* is based on the total tons of hazardous waste received in the aggregate by that owner or operator for the twelve- (12-) month period ending the previous June 30. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee. Each twelve- (12-) month period ending on June 30 *[shall be]* is referred to as a reporting year.

B. Owners or operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reporting *[required]* **specified** in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, owners or operators may elect, but are not required, to pay the fee at the time they file their final quarterly or annual report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.

#### EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:

$$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.

The number of tons would be rounded to 411.

$$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$$

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.

The number of tons would be rounded to 52,150.

$$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$$

(I) Use and Management of Containers. *[This subsection sets forth additional standards for container storage areas.] (Reserved)*

1. Containers holding ignitable or reactive waste which are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

2. Containers holding ignitable or reactive waste which are stored indoors shall be located at least fifty feet (50') from the facility's property line, unless the following requirements are satisfied:

A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half- (1.5-) hour (B) fire door;

B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three- (3-) hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Association (NFPA) Code 80, Standards for Fire Doors and Windows, 1995 edition);

C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance with NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) Standards. Final design of these systems shall be approved by a qualified, registered professional engineer in Missouri;

E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be a one and one-half inch (1.5") line or one inch (1") hard rubber line. Where a one and one-half inch (1.5") fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the Code of Federal Regulations (DOT Regulations) or NFPA 386, Standard for Portable Shipping Tanks (1990 edition) shall be used;

G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

H. All containers shall be arranged so that there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked, placed, or both, closer than three feet (3') from ceilings or any roof members; and

I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.]

*[(3) Interim status hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad tank car (railcar) shall comply with the requirements for container storage in 40 CFR part 265 subpart I, as incorporated by reference in 10 CSR 25-7.265(1), or the following requirements for railcar management:*

(A) The owner or operator shall submit a railcar management plan with the application for a hazardous waste treatment, storage, or disposal facility permit. Interim status facilities that currently accept and/or ship hazardous waste via railcars shall request a change in interim status that requires director approval for the railcar management plan according to the procedures defined in 40 CFR 270.72 as incorporated in 10 CSR 25-7.270(1).

1. The railcar management plan shall describe steps to be taken by the facility in order to comply with the requirements of subsections (3)(B)–(3)(F).

2. The railcar management plan shall be maintained at the facility;

(B) Railcars shall not be used as container or tank storage units at a facility unless the owner or operator complies with the standards for container storage set forth in 40 CFR part 265 subpart I as incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270(1). During the time allowed for loading and unloading as set forth in this section, the railcar shall not be considered to be in storage.

1. The owner or operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, ship-ment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The owner or operator shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the facility, type, and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the owner or operator shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

A. The owner or operator signs the shipping paper; or

B. The owner or operator signs the manifest; or

C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo, that fall within the time period approved in the railcar management plan.

4. If the owner or operator finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.



5. The owner or operator shall attempt to arrange for the rail carrier to provide the owner or operator a notification detailing when a railcar was picked up from the facility or when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the owner or operator must document the refusal in the operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the owner or operators utilizing railcars shall comply with the standards for container storage in 40 CFR part 265 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270;

(C) The owner or operator shall comply with 40 CFR 265.17, incorporated in this rule, during railcar loading and unloading. Additional specific precautions to be taken shall include facility design, construction, operation, and maintenance standards as specified in "Loading and Unloading Operations: Tank Vehicles and Tank Cars" in section 5-4.4.1 of the 1993 Edition of the National Fire Protection Association Flammable and Combustible Liquids Code (NFPA 30);

(D) The owner or operator shall provide security for railcars at the facility by utilizing one (1) of the alternatives specified in 40 CFR 265.14(b), as incorporated in this rule. If the owner or operator demonstrates that it is not practical to provide security for railcars at the facility as specified in 40 CFR 265.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts upon receipt of a loaded railcar or upon completion of the owner or operator's loading procedures. The locks must remain in place until the owner or operator begins unloading procedures or until the rail carrier picks up the loaded or rejected railcar for transport off-site;

(E) In accordance with 40 CFR 265.15, incorporated in this rule, the owner or operator shall inspect railcars and surrounding areas at least daily looking for leaks and for deterioration caused by corrosion or other factors; and

(F) In accordance with 40 CFR part 265 subpart C and 40 CFR part 265 subpart D, as incorporated in this rule, the owner or operator shall develop preparedness and prevention procedures and a contingency plan for railcars. If the owner or operator has not prepared a Spill Prevention Control and Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels requirements and guidelines as specified in 40 CFR part 112 for oil. At a minimum, the SPCC Plan must include adequate spill response equipment and preventative measures, such as dikes, curbing, and containment systems.]

**AUTHORITY:** sections 260.370, 260.390, and 260.395, RSMo [Supp. 2013] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference

Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners [or]/ Operators  
of Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.** The commission proposes to amend section (2) of the rule.

**PURPOSE:** All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(2) Persons subject to the regulations in 40 CFR part 266 shall comply with the requirements, changes, additions, or deletions noted in this section in addition to 40 CFR part 266 incorporated in this rule. [(Comment: This section has been organized so that all Missouri additions or changes to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to the management requirements for hazardous waste fuels, 40 CFR part 266 subpart D, are found in subsection (2)(D) of this rule.)]

(C) Recyclable Materials Used in a Manner Constituting Disposal. [In addition to the requirements in 40 CFR part 266 subpart C incorporated in this rule, a person who is marketing hazardous waste recyclable materials which would be used in a manner constituting disposal must obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020.] (Reserved)

(G) [Spent Lead-Acid Batteries Being Reclaimed. In addition to the requirements in 40 CFR part 266 subpart G, a person who reclaims materials from spent lead-acid batteries shall obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020.] (Reserved)

(H) [Hazardous Waste Burned in Boilers and Industrial Furnaces. Additions, modifications, and deletions to 40 CFR part 266 subpart H "Hazardous Waste Burned in Boilers and Industrial Furnaces" are as follows:] (Reserved)

[1. Add the following provision to 40 CFR 266.100(d) incorporated in this rule: "The owner or operator of facilities that process hazardous waste solely for metal recovery in accordance with 40 CFR 266.100(d) shall be certified for resource recovery pursuant to 10 CSR 25-9.020".]

(M) Military Munitions. Additions, modifications, and deletions to 40 CFR part 266 subpart M “Military Munitions” are:

1. Oral and written notifications required by 40 CFR 266.203(a)(1) and 40 CFR 266.205(a)(1) shall be submitted to the department’s emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director[; and].

[2. Oral and written notifications required by 40 CFR 266.205(a)(1) shall be submitted to the department’s emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director.]

**AUTHORITY:** sections 260.370, 260.373, 260.390, and 260.395, RSMo [Supp. 2013] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 7—Rules Applicable to Owners [or]/ Operators of Hazardous Waste Facilities**

### **PROPOSED AMENDMENT**

**10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program.** The commission proposes to amend sections (1) and (2) of the rule.

**PURPOSE:** All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department’s Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(1) The regulations set forth in 40 CFR part 270, July 1, 2013, except for the changes made at 70 FR 53453 September 8, 2005, and 73 FR 64667 to 73 FR 64788, October 30, 2008, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA

15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent *[shall]* rules control.

(A) Any federal agency, administrator, regulation, or statute that is referenced in 40 CFR part 270 *[shall be]* deleted and the comparable state department, director, rule, or statute as provided in 10 CSR 25-3.260(1)(A) *[shall be]* added in its place except as specified in this rule. The additional substitutions or changes noted in this subsection *[shall]* also apply.

(2) The owner or operator of a permitted hazardous waste treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this rule along with 40 CFR part 270, incorporated in this rule. *[(Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 270 subpart A are found in subsection (2)(A) of this rule.)]*

(A) General Information. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart A.

1. When a facility is owned by one (1) person but is operated by another person, both the owner and operator shall sign the permit application, and the permit shall be issued to both.

2. The owner or operator of a new hazardous waste management facility shall contact the department and obtain a United States Environmental Protection Agency (EPA) identification number *[before commencing]* as part of the application process for a hazardous waste treatment, storage, or disposal *[of hazardous waste] permit*.

3. In 40 CFR 270.3 “Considerations Under Federal Law,” do not substitute any comparable Missouri statute or administrative rule for the federal acts and regulations. This does not relieve the owner or operator of his/her responsibility to comply with any applicable and comparable state law or rule in addition to complying with the federal acts and regulations.

(B) Permit Application. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart B.

1. Existing hazardous waste management facilities must submit a Part A permit application to the department no later than sixty (60) days after the effective date of state rules which first require them to comply with the requirements set forth in 10 CSR 25-7.265 or 10 CSR 25-7.266. A facility which did not meet federal notification and Part A submittal requirements under the Hazardous and Solid Waste Amendments (HSWA) *[shall]* does not qualify for state interim status. State interim status is granted to those facilities which either meet federal interim status requirements, are required to meet state interim status requirements because no federal interim status requirements affect the filing, or become subject to regulations under state rules which are not promulgated to meet the requirements of 40 CFR part 271.

2. Confidentiality may be requested for *[the] certain permit application information [required in] submitted pursuant to* 40 CFR 270.13(a)–(m) incorporated in this rule. 10 CSR 25-3.260(1)(B) sets forth requirements for protection of confidential business information and the availability of information provided under 10 CSR 25. Therefore, 40 CFR 270.12 is not incorporated by reference in this rule.

3. All submitted engineering plans and reports shall be approved by a registered professional engineer licensed by Missouri. The engineering plans and reports shall specify the materials, equipment, construction methods, design standards, and specifications for hazardous waste management facilities, and processes that will be

utilized in the construction and operation of the facility. The engineering plans and reports shall also include a diagram of any piping, instrumentation, or process flows, and descriptions of any feed systems, safety cutoffs, bypass systems, and pressure controls (for example, vents).

4. The permit application fee set forth in 10 CSR 25-12.010 shall be submitted with the application.

5. The department will supervise any field work undertaken to collect geologic and engineering data which is to be submitted with the application. The applicant shall contact the department at least five (5) working days prior to conducting any field work that is undertaken to collect geologic and engineering data which is to be submitted with the application. A fee shall also be assessed pursuant to 10 CSR 25-12.010 for all costs incurred by the department in the observation of field work, engineering, and geological review of the application, and all other review necessary by the department to verify that the application complies with section 260.395.7., RSMo.

6. The permit application shall include the following information for the purpose of notification:

A. Names and address of all persons listed on the facility mailing list as defined in 10 CSR 25-8.124(1)(A)10.C.(I)(c) *[shall be]* submitted in the form of an alphabetical list with five (5) sets of addressed, self-adhesive mailing labels also included; and

B. The name, address, and telephone number of the location where the permit application and supporting documents are to be placed, as described in 10 CSR 25-8.124(1)(B)3.B.(II)(c) and the name of the person at that location who may be contacted to schedule a review of the documents.

7. An applicant may be required to submit other information as may be necessary to enable the department to carry out its duties.

8. The owner or operator of a permitted *[or interim status]* treatment, storage, and disposal (TSD) facility that accepts and/or ships hazardous waste via railroad tank car (railcar) may submit a railcar management plan in accordance with the requirements set forth in 10 CSR 25-7.264(3) *[or 10 CSR 25-7.265(3), as applicable]*.

9. The person applying for a permit under sections 260.350–260.434, RSMo, shall comply with the requirements of 10 CSR 25-8.124(1).

(C) Permit Conditions. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart C.

1. This paragraph sets forth the procedures for issuance of a hazardous waste facility permit, construction certification, and authorization to begin operation.

A. If, after public notice in accordance with 10 CSR 25-8.124 and review of the application, the department determines that the application conforms with the provisions of sections 260.350–260.434, RSMo, and all standards and rules corresponding, the department shall issue the hazardous waste facility permit to the applicant upon payment of a fee of one thousand dollars (\$1000) for each facility for each year the permit is to be in effect beyond the first year. *[The department will issue an EPA identification number to the facility at the time.]*

B. The appeal period for a permit or any condition of a permit *[shall]* begin on the date of issuance of the permit as *[required]* specified in subparagraph (2)(C)1.A. of this rule. However, for the purposes of termination of interim status pursuant to 40 CFR 270.73(a) incorporated in this rule, final administrative disposition of the permit application *[shall]* occur either—

(I) Thirty (30) days after issuance of a *[letter of authorization]* final permit pursuant to this rule, unless a notice of appeal is filed with the commission within that time;

(II) Thirty (30) days after permit denial *[of authorization to operate]* pursuant to this rule, unless a notice of appeal is filed with the commission within that time; or

(III) Upon the issuance of a decision by the commission, after timely appeal of an action of this rule.

2. The department may deny the permit application if—

A. The applicant fails to submit a complete application in accordance with, and within the time specified in, a notice of deficiency issued pursuant to 10 CSR 25-8.124(1)(A)3.;

B. The applicant has failed to fully disclose all relevant information in the application or during the permit issuance process or has misrepresented facts at any time;

C. The department determines that the application does not conform with the provisions of sections 260.350–260.434, RSMo, and all corresponding standards and rules, or that the facility cannot be effectively operated and maintained in full compliance with sections 260.350–260.434, RSMo, and all corresponding standards and rules, or that the facility is being operated or maintained in violation of a present permit, or that continued operation of the facility presents an unreasonable threat to human health or the environment or will create or allow for the continuance of a public nuisance;

D. The department determines that one (1) of the conditions specified in section 260.395.17., RSMo, is present; or

E. The applicant owner or operator fails to submit the permit fees *[required by]* specified in subparagraph (2)(C)1.A. of this rule within thirty (30) days of receipt of notice from the department that the fees are due.

*AUTHORITY: sections 260.370, 260.373, 260.390, and 260.395, RSMo [Supp. 2013] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed June 14, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 8—Public Participation and General Procedural Requirements**

### **PROPOSED AMENDMENT**

**10 CSR 25-8.124 Procedures for Decision Making.** The commission proposes to amend sections (1), (2), (3), and (5) and delete section (4) of the rule.

*PURPOSE: All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's*

*Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.*

(1) Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) [shall] apply in this rule, in addition to any other modifications established in paragraph (1)(A)2. of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent [shall] rules control. (Comment: This section has been organized so that Missouri requirements analogous to a particular lettered subpart in 40 CFR part 124 are set forth in the corresponding lettered subsection of section (1) of this rule. For example, the general program requirements in 40 CFR part 124 subpart A, with Missouri modifications, are found in subsection (1)(A) of this rule.)

(A) This subsection sets forth requirements that correspond to those requirements in 40 CFR part 124 subpart A.

1. Purpose and scope. This subsection contains procedures for the review, issuance, class 3 or department-initiated modification, total modification, or revocation of all permits issued pursuant to sections 260.350 through 260.434, RSMo. This subsection also contains procedures for the denial of a permit, either in its entirety or as to the active life of a hazardous waste management facility or unit, under 40 CFR 270.29, as incorporated in 10 CSR 25-7.270. Interim status is not a permit and is covered by specific provisions in 10 CSR 25-7.265 and 10 CSR 25-7.270. Class 1 or class 2 permit modifications, as defined in 40 CFR 270.42 as incorporated in 10 CSR 25-7.270, are not subject to the requirements of this subsection.

2. Definitions. In addition to the definitions given in 40 CFR 270.2, as incorporated in 10 CSR 25-7.270, the definitions below apply to this rule—

A. “Draft permit” means a document prepared under paragraph (1)(A)6. of this rule indicating the department’s tentative decision to issue, deny, modify in part or in total, revoke, or reissue a “permit.” A notice of intent to revoke, as discussed in subparagraph (1)(A)5.D. of this rule, and a notice of intent to deny, as discussed in subparagraph (1)(A)6.B. of this rule, are types of draft permits. A denial of a request for modification, total modification, or revocation of a permit, as discussed in subparagraph (1)(A)5.B. of this rule, is not a type of “draft permit”;

B. “Formal hearing” means any contested case held under section 260.400, RSMo;

C. “Permit application” means the U.S. Environmental Protection Agency standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by the U.S. Environmental Protection Agency for use in Missouri, including any approved modifications or revisions. It also includes the information [required] specified by the department under 40 CFR 270.14–270.29, as incorporated into 10 CSR 25-7.270;

D. “Public hearing” means any hearing on a tentative decision at which any member of the public is invited to give oral or written comments;

E. “Revocation” means the termination of a permit;

F. “Schedule of compliance” means a schedule of remedial measures in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with sections 260.350 through 260.434, RSMo;

G. “Total modification” means the revocation and reissuance of a permit;

H. “Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity; and

I. “Variance” means any variation from the Missouri Hazardous Waste Management Law as defined in section 260.405,

RSMo.

3. Application for a permit.

A. Any person who requires a permit shall complete, sign, and submit to the department a permit application for each permit required under 40 CFR 270.1, as incorporated in 10 CSR 25-7.270. Permit applications are not required for permits by rule per 40 CFR 270.60, as incorporated in 10 CSR 25-7.270. The department shall not begin the processing of a permit until the applicant has fully complied with the permit application requirements for that permit, as provided under 40 CFR 270.10 and 270.13, as incorporated in 10 CSR 25-7.270. Permit applications shall comply with the signature and certification requirements of 40 CFR 270.11, as incorporated in **10 CSR 25-7.270(2)(A).1., and** 10 CSR 25-7.270.

B. The department shall review for completeness every permit application. Each permit application submitted by a new facility should be reviewed for completeness by the department within thirty (30) days of its receipt. Each permit application submitted by an existing facility should be reviewed for completeness by the department within sixty (60) days of its receipt. Upon completing the review, the department will notify the applicant in writing whether the permit application is complete. If the permit application is incomplete, the department will list the information necessary to make the permit application complete. When the permit application is for an existing facility, the department will specify, in the notice of deficiency, a date for submitting the necessary information. The department will notify the applicant that the permit application is complete upon receiving the required information. After the permit application is complete, the department may request additional information from an applicant, but only as necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render a permit application incomplete.

C. If an applicant fails or refuses to correct deficiencies in the permit application, the permit may be denied and enforcement actions may be taken under the applicable statutory provisions of sections 260.350 through 260.434, RSMo.

D. The effective date of a permit application is the date the department notifies the applicant that the permit application is complete, as provided in subparagraph (1)(A)3.B. of this rule.

E. For each permit application the department will, no later than the effective date of the permit application, prepare and mail to the applicant a project decision schedule. The schedule will specify target dates by which the department intends to—

(I) Prepare a draft permit;

(II) Give public notice;

(III) Complete the public comment period, including any public hearing; and

(IV) Issue a final permit decision.

F. If the department decides that a site visit is necessary for any reason in conjunction with the processing of a permit application, the department will notify the applicant and a date will be scheduled.

G. Whenever a facility or activity requires more than one (1) type of environmental permit from the state, the applicant may request, or the department may offer, a unified permitting schedule that covers the timing and order to obtain such permits, as provided in section 640.017, RSMo, and 10 CSR 1-3.010.

4. Reserved.

5. Modification, total modification, or revocation of permits.

A. Permits may be modified in part or in total, or revoked, either at the request of the permittee or of any interested person or upon the department’s initiative. However, permits may only be modified or revoked for the reasons specified in 40 CFR 270.41 or 40 CFR 270.43, as incorporated in 10 CSR 25-7.270. All requests shall be in writing and shall contain facts and reasons supporting the request.

B. If the department decides the request is not justified, a brief written response giving a reason for the decision shall be sent to the person requesting the permit modification and to the permittee.

Denial of a request for modification, in part or in total, or revocation of a permit is not subject to public notice, comment, or hearing, and is not appealable under section (2) of this rule.

C. Tentative decision to modify.

(I) If the department tentatively decides to modify a permit in part or in total, a draft permit incorporating the proposed changes will be prepared according to paragraph (1)(A)6. of this rule. The department may request additional information and, in the case of a partial permit modification, may require the submission of an updated permit application. In the case of a total permit modification, the department will require the submission of a new permit application.

(II) When a permit is partially modified under this paragraph, only the conditions being modified *[shall be]* are reopened. All other conditions of the original permit *[shall]* remain in effect for the duration of the *[original]* existing permit. When a permit is totally modified under this paragraph, the entire permit is reopened just as if the permit had expired and was being reissued. During any total modification, the permittee *[shall comply]* complies with all conditions of the *[original]* existing permit until a new, final permit is issued.

(III) "Class 1 and class 2 permit modifications" as defined in 40 CFR 270.42, as incorporated in 10 CSR 25-7.270, are not subject to the requirements of this paragraph.

D. If the department tentatively decides to revoke a permit, the department will issue a notice of intent to revoke. A notice of intent to revoke is a type of draft permit and follows the same procedures as any draft permit decision prepared under paragraph (1)(A)6. of this rule.

6. Draft permits.

A. Once the technical review of a permit application is complete, the department shall tentatively decide whether to prepare a draft permit, or deny the permit application.

B. If the department **tentatively** decides to deny the permit application, a notice of intent to deny shall be issued. A notice of intent to deny is a type of draft permit and follows the same procedures as any draft permit decision prepared under this paragraph. If the department's final decision under paragraph (1)(A)15. of this rule is that the **tentative** decision to deny the permit application was incorrect, the department shall withdraw the notice of intent to deny and prepare a draft permit under this paragraph.

C. If the department tentatively decides to prepare a draft permit, the department will prepare a draft permit that contains the following information:

(I) All conditions under 40 CFR 270.30 and 270.32, as incorporated in 10 CSR 25-7.270;

(II) All compliance schedules under 40 CFR 270.33, as incorporated in 10 CSR 25-7.270;

(III) All monitoring requirements under 40 CFR 270.31, as incorporated in 10 CSR 25-7.270; and

(IV) Standards for treatment, storage, and/or disposal and other permit conditions under 40 CFR 270.30, as incorporated in 10 CSR 25-7.270.

D. All draft permits prepared under this paragraph will be accompanied by a fact sheet per paragraph (1)(A)8. of this rule, publicly noticed per paragraph (1)(A)10. of this rule, and made available for public comment per paragraph (1)(A)11. of this rule. The department will give notice of opportunity for a public hearing per paragraph (1)(A)12. of this rule, issue a final decision per paragraph (1)(A)15. of this rule, and respond to comments per paragraph (1)(A)17. of this rule. An appeal may be filed under section (2) of this rule.

E. Prior to making the draft permit available for public comment, the department shall deliver the draft permit to the applicant for review, as provided in section 640.016.2, RSMo. The applicant shall have ten (10) days to review the draft permit for nonsubstantive drafting errors. The department shall make the applicant's changes to the draft permit within ten (10) days of receiving the applicant's review and then submit the draft permit for public comment. The

applicant may waive the opportunity to review the draft permit prior to public notice.

7. *Reserved.*

8. Fact sheet.

A. A fact sheet will be prepared for every draft permit. The fact sheet will briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department will send this fact sheet to the applicant and to any person who requests a copy.

B. The fact sheet shall include, when applicable:

(I) A brief description of the type of facility or activity which is the subject of the draft permit;

(II) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;

**(III) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions.**

*[(III)]***(IV)** Reasons why any requested variances or alternatives to *[required]* **applicable** standards do or do not appear justified;

*[(IV)]***(V)** A description of the procedures for reaching a final decision on the draft permit including:

(a) The beginning and ending dates of the public comment period under paragraph (1)(A)10. of this rule and the address where comments will be received;

(b) Procedures for requesting a hearing and the nature of that hearing; and

(c) Any other procedures by which the public may participate in the final decision; and

*[(V)]***(VI)** Name and telephone number of a department contact for additional information.

9. *Reserved.*

10. Public notice of permit actions and public comment period.

A. Scope.

(I) The department will give public notice that the following actions have occurred:

(a) A notice of intent to deny a permit application has been prepared under subparagraph (1)(A)6.B. of this rule;

(b) A draft permit has been prepared under subparagraph (1)(A)6.C. of this rule;

(c) A hearing has been scheduled under paragraph (1)(A)12. of this rule; **or**

*[(d)]* **An appeal hearing has been scheduled under section (2) of this rule; or**

*[(e)]***(d)** A notice of intent to revoke a permit has been prepared under subparagraph (1)(A)5.D. of this rule.

(II) No public notice is required when a request for permit modification, in part or in total, or revocation is denied. A brief written response giving a reason for the decision will be sent to the requester and to the permittee.

**(III) Public notices may describe more than one (1) permit or permit action.**

B. Timing.

(I) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application and a notice of intent to revoke a permit) *[required]* under subparagraph (1)(A)10.A. of this rule will allow at least forty-five (45) days for public comment.

(II) Public notice of a public hearing will be given at least thirty (30) days before the hearing. Public notice of the hearing may be given at the same time as the public notice of the draft permit, and the two (2) notices may be combined.

C. Methods. Public notice of activities described in part (1)(A)10.A.(I) of this rule will be given by the following methods:

(I) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this part may waive their rights to receive notice for any permit):

(a) The applicant;  
(b) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, natural resource management plans, and state historic preservation officers, including any affected states (Indian tribes); and

(c) Persons on a mailing list maintained by the facility which is developed by—

I. Including those who request to be on the list;

II. Soliciting persons for “area lists” from participants in past permit proceedings in that area;

III. Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals. The facility shall be responsible for maintaining and updating the mailing list. The department may require the facility to update the mailing list from time-to-time by requesting written indication of continued interest from those listed. The facility may remove from the list the name of any person who fails to respond to such a request;

IV. Including all record owners of real property adjacent to the current or proposed facility, in accordance with section 260.395.8, RSMo;

V. Including, for a post-closure disposal facility, all record owners of real property which overlie any known plume of contamination originating from the facility; and

VI. Including, for an operating disposal facility, all record owners of real property located within one (1) mile of the outer boundaries of the current or proposed facility, in accordance with section 260.395.8, RSMo;

(d) A copy of the notice shall also be sent to the highest elected official of the county and the highest elected official of the city, town, or village having jurisdiction over the area where the facility is currently or proposed to be located, in accordance with section 260.395.8, RSMo, and each state agency having any authority under state law with respect to the construction or operation of such facility; **and**

*[(e) The department will mail a copy of the legal notice, fact sheet, and draft permit to the location where the permit application was placed for public review under subpart (1)(B)2.B.(III)(d) of this rule; and]*

*[(f)](e)* A copy of the notice shall also be sent to any other department program or federal agency which the department knows has issued or is required to issue a Resource Conservation and Recovery Act (RCRA), Hazardous and Solid Waste Amendments (HSWA), Underground Injection Control (UIC), Prevention of Significant Deterioration (PSD), (or other permit issued under the Clean Air Act), National Pollutant Discharge Elimination System (NPDES), 404, or sludge management permit for the same facility or activity (including the U.S. Environmental Protection Agency);

(II) Other publication.

(a) Publish a legal notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

(b) For any draft permit that includes active land disposal of hazardous waste, issue a news release to the media serving the area where the facility is currently or proposed to be located, in accordance with section 260.395.8, RSMo; *[and]*

(III) Any other method reasonably calculated to give actual notice of the activity to the persons potentially affected by it, including news releases or any other forum or medium to elicit public participation/./; **and**

**(IV) The department will mail a copy of the legal notice, fact sheet, and draft permit to a location accessible to the public, in the vicinity of the facility, where the documents can be viewed and copied.**

D. Contents. All notices issued under this paragraph shall contain the following minimum information:

(I) Name and address of the department;

(II) Name and address of the permittee or applicant and, if different, of the facility or activity regulated by the permit;

(III) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(IV) Name, address, and telephone number of a department contact person from whom interested persons may obtain additional information;

(V) A brief description of the comment procedures, the date, time, and place of any hearing that will be held, a statement of procedures for requesting a hearing (unless a hearing has already been scheduled), and any other procedures by which the public may participate in the final permit decision;

(VI) Any additional information considered necessary or proper by the department;

(VII) The location where the information listed in subpart (1)(A)10.C.(I)(e) of this rule was placed for public review; and

(VIII) In addition to the information listed above, the public notice of a public hearing under paragraph (1)(A)12. of this rule shall contain the following information:

(a) Reference to the date of previous public notices relating to the draft permit;

(b) Date, time, and place of the hearing; and

(c) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

E. In addition to the notice described in subparagraph (1)(A)10.D. of this rule, the department shall mail a copy of the permit application (if any), draft permit, and fact sheet to all persons identified in subparts (1)(A)10.C.(I)(a), (b), and (f) of this rule.

11. Public comments and requests for public hearings. During the public comment period provided under paragraph (1)(A)10. of this rule, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and *[shall]* state the nature of the issues to be raised in the hearing. All written comments and oral comments given at the public hearing, if one is held, *[shall be]* **are** considered by the department in making the final permit decision and *[shall be]* **are** answered as provided in paragraph (1)(A)17. of this rule.

12. Public hearings.

A. In accordance with section 260.395.8, RSMo, the department will hold a public hearing whenever a written request for a hearing is received within forty-five (45) days of the public notice under part (1)(A)10.B.(I) of this rule. **In accordance with section 260.395.8, RSMo, [F]or** any permit that includes active land disposal of hazardous waste, the department shall hold a public hearing after public notice, as *[required]* **specified** in paragraph (1)(A)10. of this rule, before issuing, modifying in total, or renewing the permit; and before any Class 3 or department-initiated permit modification related to the hazardous waste land disposal unit(s), including those necessary due to the department’s five- (5-) year review.

B. The department may hold a public hearing at its own discretion whenever there is significant public interest in a draft permit or when one (1) or more issues involved in the permit decision requires clarification.

C. Whenever possible, the department will schedule a public hearing under this paragraph at a location convenient to the nearest population center to the current or proposed facility.

D. Public notice of the public hearing will be given as specified in paragraph (1)(A)10. of this rule.

E. Any person may submit written comments or data concerning the draft permit. The department will accept oral comments during the public hearing. Reasonable limits may be set on the time allowed for oral comments. Any person who cannot present oral comments due to time limitations will be provided an opportunity to present written comments. The public comment period under paragraph (1)(A)10. of this rule will automatically be extended to the close of any public hearing if the public hearing is held later than

forty-five (45) days after the start of the public comment period.

F. A tape recording or written transcript of the public hearing shall be made available to the public.

13. Obligation to raise issues and provide information during the public comment period. All persons, including the applicant, who believes any condition of a draft permit is inappropriate or that the department's tentative decision to deny a permit application, prepare a draft permit, or revoke a permit is inappropriate, shall raise all ascertainable issues and submit all relevant arguments supporting their position by the close of the public comment period under paragraph (1)(A)10. of this rule. Any supporting materials that are submitted shall be included in full and may not be incorporated by reference, unless the supporting materials are state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials.

14. *Reserved.*

15. Issuance and effective date of permit.

A. For purposes of this paragraph, a final permit decision means the issuance, denial, Class 3 or department-initiated modification, total modification, or revocation of a permit. After the close of the public comment period under paragraph (1)(A)10. of this rule, the department will issue a final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or unit under 40 CFR 270.29, as incorporated in 10 CSR 25-7.270). The department will notify the applicant and each person who submitted written comments, gave oral comments at the public hearing, or requested notice of the final permit decision. This notice will include reference to the procedures for appealing a final permit decision under section (2) of this rule. **The department will mail a copy of the final permit decision to the location where the draft permit was placed for public review under subpart (1)(A)10.C.(II) of this rule.** The department will also send a news release announcing the final permit decision to the media serving the area where the facility is currently or proposed to be located/, *in accordance with section 260.395.8, RSMo*.

B. A final permit issuance, denial, or modification decision (or a decision to deny a permit either in its entirety or as to the active life of a hazardous waste management facility or unit under 40 CFR 270.29, as incorporated in 10 CSR 25-7.270) will become effective on the date the decision is signed by the department. A final permit revocation decision will become effective thirty (30) days after the department signs the decision, unless no comments requested a change in the draft permit revocation decision, in which case the final permit revocation decision will become effective on the date the decision is signed by the department.

16. *Reserved.*

17. Response to comments.

A. At the same time that any final permit decision is issued under paragraph (1)(A)15. of this rule, the department will issue a response to comments. This response shall—

(I) Specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the change; and

(II) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period and public hearing, if one was held.

B. The response to comments will be made available to the public.

18. *Reserved.*

19. *Reserved.*

20. Computation of time.

A. Any time period scheduled to begin on the occurrence of an act or event *[shall]* begins on the day after the act or event.

B. Any time period scheduled to end before the occurrence of an act or event *[shall]* ends on the last working day before the act or event.

C. If the last day of any time period falls on a weekend or legal holiday, the time period *[shall be]* extended to the next work-

ing day.

D. Whenever a party or interested person has the right or is required to act within a specific time period after he or she receives notice by mail, three (3) days *[shall be]* added to the time period to allow for mail delivery.

(B) This subsection sets forth requirements that correspond to the requirements in 40 CFR part 124 subpart B.

1. Applicable permit procedures.

A. The requirements of this paragraph *[shall]* apply to all new permit applications and permit applications for renewal of permits where a significant change in facility operations is proposed. For purposes of this paragraph, a "significant change" is any change that would qualify as a class 3 permit modification under 40 CFR 270.42, as incorporated in 10 CSR 25-7.270. The requirements of this paragraph do not apply to class 1 or class 2 permit modifications, as defined in 40 CFR 270.42, as incorporated in 10 CSR 25-7.270, or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

B. At least ninety (90) days prior to submitting a permit application *[for a] to construct, substantially alter, or operate a hazardous waste disposal facility*, the applicant shall submit to the department a letter of intent *[to construct, substantially alter, or operate a hazardous waste disposal facility]*, in accordance with section 260.395.7, RSMo. The department will publish the letter within ten (10) days of receipt. The letter will be published as specified in section 493.050, RSMo. The letter will be published once a week for four (4) consecutive weeks in a newspaper of general circulation serving the county in which the facility is currently or proposed to be located.

C. Prior to submitting a permit application for a facility, the applicant shall hold at least one (1) public meeting to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide an opportunity for attendees to voluntarily provide their names and addresses.

D. The applicant shall submit a summary of the meeting, the list of attendees and their addresses developed under subparagraph (1)(B)1.C. of this rule, and copies of any written comments or materials submitted at the meeting to the department as a part of the permit application, in accordance with 40 CFR 270.14(b), as incorporated in 10 CSR 25-7.270.

E. The applicant shall provide public notice of the pre-application meeting at least thirty (30) days prior to the meeting. The applicant shall maintain, and provide to the department as part of the permit application, documentation of the notice.

(I) The applicant shall provide public notice in all of the following forms:

(a) A newspaper advertisement. The applicant shall publish a notice as a display advertisement in a newspaper of general circulation serving the county or equivalent jurisdiction where the current or proposed facility is located. In addition, the applicant shall publish the notice in newspapers of general circulation serving adjacent counties or equivalent jurisdictions;

(b) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility. If the applicant places the sign on the facility property, the sign shall be large enough to be read from the nearest point where the public would pass by the site;

(c) A broadcast media announcement. The applicant shall broadcast a notice as a paid advertisement at least once on at least one (1) local radio station or television station. The applicant may employ another medium with the prior written approval of the department; and

(d) In addition to the department, the applicant shall send a copy of the newspaper advertisement to the units of state and local government described in subpart (1)(A)10.C.(I)(d) of this rule.

(II) All notices *[required]* under this subparagraph shall



include:

- (a) The date, time, and location of the meeting;
- (b) A brief description of the purpose of the meeting;
- (c) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the current or proposed facility location;
- (d) A statement encouraging people to contact the facility at least seventy-two (72) hours before the meeting if they need special access to participate in the meeting; and
- (e) The name, address, and telephone number of a contact person for the applicant.

2. Public notice requirements at the permit application stage.

A. Applicability. The requirements of this paragraph *[shall]* apply to all new permit applications for hazardous waste management units and permit applications for renewal of permits for such units under 40 CFR 270.51, as incorporated in 10 CSR 25-7.270. The requirements of this paragraph do not apply to permit modifications, as defined in 40 CFR 270.42, as incorporated in 10 CSR 25-7.270, or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

B. Notification at permit application submittal.

(I) The department shall provide public notice as set forth in subpart (1)(A)10.C.(I)(c) of this rule, and notice to the appropriate units of state and local government as set forth in subpart (1)(A)10.C.(I)(d) of this rule, that a complete permit application has been submitted to the department and is available for review.

(II) The notice will be published within a reasonable period of time after the department determines that the permit application is complete. The notice must include:

- (a) The name and telephone number of the applicant's contact person;
- (b) The name and telephone number of the department contact person and a mailing address to which information and inquiries may be directed throughout the permitting process;
- (c) An address to which people can write in order to be put on the facility mailing list;
- (d) A location where copies of the permit application and any supporting documents can be viewed and copied;
- (e) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the current or proposed facility location on the front page of the notice; and
- (f) The date that the permit application was submitted.

C. Concurrent with the notice *[required]* under subparagraph (1)(B)2.B. of this rule, the department will place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the department's office as identified in the notice.

3. Information repository.

A. Applicability. The requirements of this paragraph apply to all applicants seeking hazardous waste management facility permits.

B. The department shall assess the need, on a case-by-case basis, for a local information repository. When assessing the need for a local information repository, the department will consider a variety of factors, including the level of public interest, the type of facility, and the presence of an existing repository. If the department determines, at any time after submittal of a permit application, that there is a need for a local repository, then the department will notify the facility that it must establish and maintain a local information repository.

C. The information repository shall contain all documents, reports, data, and information deemed necessary by the department to fulfill the purposes for which the repository is established. The department will have the discretion to limit the contents of the repository.

D. The information repository shall be located and maintained at a location chosen by the facility. If the department finds the

location unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, the department will specify a more appropriate location.

E. The department will specify requirements the applicant must meet for informing the public about the local information repository. At a minimum, the department will require the applicant to provide a written notice about the information repository to all individuals on the facility mailing list.

F. The applicant shall be responsible for maintaining and updating the repository with appropriate information throughout the time period specified by the department. The department may close the repository at its discretion, based on the factors in subparagraph (1)(B)3.B. of this rule.

(2) Appeal of Final Decision.

(A) For purposes of this section, a final permit decision means the issuance, denial, partial or total modification, or revocation of a permit. The requirements of this section apply to final permit decisions, closure plan approvals, post-closure plan approvals, and any condition of a final permit decision or approval.

(B) The applicant or any aggrieved person may appeal to have the matter heard by the Administrative Hearing Commission. To initiate the appeal, the aggrieved party must follow the procedure established in 10 CSR 25-2.020 and sections 260.395.11 and 621.250, RSMo. Written petitions must be filed within thirty (30) days after the date the final permit decision or approval was mailed or the date it was delivered, whichever was earlier. If the written petition is sent by registered or certified mail, the petition will be deemed filed on the date it was mailed. If the written petition is sent by any other method, the petition will be deemed filed on the date it is received by the Administrative Hearing Commission. The written petition *[shall set forth] describes* the grounds for the appeal. *The appeal shall be and the appeal is* limited to issues raised during the public comment period and not resolved in the final permit decision or approval to the applicant's or aggrieved person's satisfaction. Issues included in the written petition outside those raised during the public comment period *[shall not be] are not* considered; however, the Administrative Hearing Commission may consider an appeal of a condition in the final permit decision or approval that was not part of the draft permit or proposal and therefore could not have been commented on during the public comment period.

(C) Any appeal under this section *[shall be]* is a contested case and *[shall be]* is conducted under section 260.400, RSMo.

(D) Any party described in subsection (2)(G) of this rule may petition the Administrative Hearing Commission for an interlocutory order staying the effectiveness of a final permit decision, a closure plan approval, a post-closure plan approval, or any condition of a final permit decision or approval which is subject to an appeal, until the Missouri Hazardous Waste Management Commission enters its final order upon the appeal. At any time during the proceeding, the applicant may apply to the Administrative Hearing Commission for relief from a stay order previously issued.

1. In determining whether to grant a stay or relief from a stay, the Administrative Hearing Commission will consider the likelihood that the petition will eventually succeed on the merits, the potential for harm to the applicant, business, industry, public health, or the environment if the requested stay or relief is or is not granted, and the potential magnitude of the harm.

2. Any decision concerning a petition for a stay or relief from a stay *[shall not be]* is not considered a contested case or a final order and *[shall be]* is made by a majority of the sitting quorum of the Administrative Hearing Commission.

3. The stay of any final permit decision pending appeal to the Administrative Hearing Commission *[shall have]* has the effect of continuing the effect and enforceability of any existing permit until the Missouri Hazardous Waste Management Commission issues a final order upon the appeal, unless the stay is lifted sooner by the

Administrative Hearing Commission. During the appeal proceeding, the stay of any condition of a final permit decision pending appeal *[shall]* does not relieve the applicant of complying with all conditions of the final permit decision not stayed.

4. No petition for a stay order or relief from a stay order shall be presented to the Administrative Hearing Commission on less than ten (10) days' notice to all other parties to the proceeding.

(E) A timely written petition of appeal stays the effectiveness of a final permit revocation decision. If a timely written petition of appeal is not filed, the final permit revocation becomes effective thirty (30) days after the department signs the decision.

(F) *[Public notice of the appeal hearing.] Any public notice of appeals, including the time, date, and place of the appeal hearing, [shall be given] will be given by the Administrative Hearing Commission in accordance with [part (1)(A)10.C.(II) of this rule. The department will mail a copy of the notice to all persons identified in subparts (1)(A)10.C.(I)(a) and (c) of this rule. After the Hazardous Waste Management Commission issues a final appeal decision, the department will notify the participants in the appeal hearing and each person who requested notice of the final appeal decision. The department will also send a news release announcing the final appeal decision to the media serving the area where the facility is currently or proposed to be located]* **260.400, RSMo.**

(G) The participants in an appeal hearing shall be—

1. The department;
2. The applicant;
3. Any aggrieved person filing a timely written petition of appeal; and
4. Any person who files a timely application for intervention and is granted leave to intervene of right or permissive intervention. Any person desiring to intervene in an appeal shall file with the Administrative Hearing Commission, an application to intervene according to the procedures of Rule 52.12, Supreme Court Rules of Civil Procedure.

A. The application to intervene shall state the interests of the intervener, the grounds upon which intervention is sought, and a statement of the position which the intervener desires to take in the proceeding. The intervener shall serve a copy of the application to intervene on each of the parties to the proceeding as determined under part (1)(A)10.C.(II) of this rule.

B. The Administrative Hearing Commission or duly appointed hearing officer will grant or deny the application to intervene pursuant to Rule 52.12, Supreme Court Rules of Civil Procedure. The Administrative Hearing Commission or hearing officer may condition any grant of intervention as the circumstances may warrant.

(H) A tape recording or written transcript of the appeal hearing shall be made available to the public.

### (3) Transporter License.

(A) Issuance or Denial of a Transporter License.

1. Upon receipt of a complete application for a transporter license, the department will determine whether the application conforms to the requirements of sections 260.385 and 260.395, RSMo, and 10 CSR 25-6. The department will notify the applicant of its decision to issue, with or without conditions, or denying the license. If the license is denied, the department will specify the reasons for the denial. No license will be issued until the fees *[required by]* **specified in section 260.395.1, RSMo,** have been paid.

2. The procedure for appealing a license issuance, denial, or any condition of a license *[shall be]* is the same as the procedure for appealing a final permit decision under section (2) of this rule.

(B) Revocation of a Transporter License.

1. Transporter licenses may be revoked for the reasons specified in sections 260.379.2, 260.395.3, 260.410.3, and 260.410.4, RSMo, or for failure to comply with sections 260.395.1(2) and 260.395.1(3), RSMo.

2. The department may initiate proceedings to revoke a trans-

porter license. If the department proposes to revoke a transporter license, it will send a notice of intent to revoke by certified mail to the licensee, specifying the provisions of sections 260.350–260.434, RSMo, 10 CSR 25-6, the conditions of the license or the provisions of an order issued to the licensee that the licensee has violated, the manner in which the licensee misrepresented or failed to fully disclose relevant facts, or the manner in which the activities of the licensee endanger human health or the environment or are creating a public nuisance.

3. The procedure for appealing a license revocation *[shall be]* is the same as the procedure for appealing a permit revocation under section (2) of this rule. A timely written petition for appeal stays the effectiveness of a license revocation. If a timely written petition for appeal is not filed, the revocation *[shall become]* is effective thirty (30) days after the department signs the revocation decision.

### *[(4) Resource Recovery Facility Certifications.*

(A) *Issuance of Resource Recovery Facility Certifications.* Upon receipt of a complete application for resource recovery facility certification, the department will determine whether the application conforms to the requirements of section 260.395.13, RSMo, and 10 CSR 25-9.020. The department will notify the applicant of its decision to issue, with or without conditions, or deny the certification. If the certification is denied, the department will specify the reasons for the denial. The procedure for appealing a certification issuance, denial, or any condition of a certification will be the same as the procedure for appealing a final permit decision under section (2) of this rule.

(B) *Modification of Resource Recovery Facility Certifications.*

1. The department may modify a resource recovery facility certification under any of the following circumstances:

A. When required to prevent violations of the requirements of section 260.395.14, RSMo, or 10 CSR 25-9.020;

B. When relevant facts have been misrepresented or not fully disclosed;

C. When required to protect the health of humans or the environment or to prevent or abate a public nuisance;

D. When the facility proposes changing any waste stream(s) managed by the facility; or

E. When the facility proposes changing any processes or equipment utilized for resource recovery operations at the facility.

2. If the department proposes to modify the resource recovery facility certification, it will send a notice of intent to modify by certified mail to the certificate holder, specifying the reasons for the proposed modification and the manner in which the certificate is proposed to be modified.

3. The facility may appeal any certification modifications, except those requested by the facility that were approved as proposed without further modification. The procedure for appealing a certification modification shall be the same as the procedure for appealing a final permit decision under section (2) of this rule.

(C) *Revocation of Resource Recovery Facility Certifications.*

1. The department may initiate proceedings to revoke a resource recovery facility certification. If the department decides to revoke a resource recovery facility certification, it will send a final revocation by certified mail to the certificate holder, specifying the provisions of section 260.395.14, RSMo, 10 CSR 25-9.020, or an order issued to the certificate holder that have been violated, the manner in which the certificate holder misrepresented or failed to fully disclose relevant facts, or the manner in which the activities at the facility endanger human health or the environment or are

creating a public nuisance.

2. Resource recovery facility certifications may be revoked for the reasons specified in paragraph (4)(B)1. of this rule.

3. The procedure for appealing a certification revocation shall be the same as the procedure for appealing a permit revocation under section (2) of this rule. A timely written petition for appeal stays the effectiveness of a certification revocation. If a timely written petition for appeal is not filed, the revocation shall become effective thirty (30) days after the department signs the revocation decision.]

[(5)](4) Variances.

(A) Applicability. According to section 260.405.1, RSMo, unless prohibited by any federal hazardous waste management act, the Hazardous Waste Management Commission may grant individual variances from the requirements of sections 260.350 to 260.430, RSMo, whenever it is found, upon presentation of adequate proof, that compliance will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation, or activity, in either case without sufficient corresponding benefit or advantage to the people. The commission will not consider any petition for variance that would permit the occurrence or continuance of a condition that unreasonably poses a present or potential threat to the health of humans or other living organisms. The department may require any petitioner for a variance to submit mailing lists and mailing labels [required] to accomplish the public notice requirements of this section.

(B) Evaluation. Upon receipt of any petition for a variance, the department will evaluate the petition to determine whether the request is substantive or non-substantive based upon the effect of the proposed variance on facility operations, types of waste, type and volume of hazardous waste management units, location of facility, public interest, and compliance history. Variances from generator or transporter requirements will be deemed non-substantive provided all conditions of subsection (3)(A) of this rule are met.

(C) Substantive Variance. If a variance petition is deemed substantive, the department will—

1. Upon receipt—

A. Mail a notice to all record owners of real property located within one (1) mile of the outer boundaries of the facility, the highest elected official of the county, and the highest elected official of the city, town, or village having jurisdiction over the area where the facility is located; and

B. Issue a news release to the media and publish a legal notice in a newspaper of general circulation serving the area where the facility is located;

2. Within sixty (60) days of receipt—

A. Prepare a recommendation as to whether the variance should be granted, granted with conditions, or denied;

B. Submit the recommendation to the Missouri Hazardous Waste Management Commission;

C. Notify the petitioner of the recommendation;

D. Publish a legal notice regarding the recommendation in a newspaper of general circulation serving the area where the facility is located; and

E. Mail a notice regarding the recommendation to all record owners of real property adjacent to the facility, the highest elected official of the county, and the highest elected official of the city, town, or village having jurisdiction over the area where the facility is located; and

3. Request a formal hearing before the Missouri Hazardous Waste Management Commission or a duly appointed hearing officer on the variance petition and the department's recommendation, as provided in section 260.400, RSMo.

(D) Non-Substantive Variance. If a variance petition is deemed non-substantive, the department will comply with paragraph (5)(C)2. of this rule. The Missouri Hazardous Waste Management

Commission will hold a formal hearing as provided in section 260.400, RSMo, if requested by the petitioner. A request for a formal hearing may also be made by any aggrieved person if the department's recommendation is to grant the variance with or without conditions. Any request by the petitioner or aggrieved person for a formal hearing shall be made in writing within thirty (30) days of the date the legal notice regarding the recommendation is published.

(E) Final Decision. If no formal hearing is requested, the Missouri Hazardous Waste Management Commission shall make a decision on the variance at a public meeting held no earlier than thirty (30) days from the date the legal notice regarding the recommendation is published.

(F) Hearing Procedures. Any hearings under this section [shall be] are a contested case pursuant to section 260.400 and Chapter 536, RSMo. The participants [shall be] are the department, the petitioner, any aggrieved person who requests a formal hearing, and any person who files a timely application for intervention and is granted leave to intervene. Any person desiring to intervene shall file an application to intervene with the Missouri Hazardous Waste Management Commission secretary within thirty (30) days from the date the legal notice regarding the recommendation is published.

1. The application to intervene shall state the interests of the intervenor, the grounds upon which intervention is sought, and a statement of the position that the intervenor desires to take in the proceeding. The intervenor shall serve a copy of the application to intervene on each of the parties listed in subsection (5)(F) of this rule.

2. The Missouri Hazardous Waste Management Commission or duly appointed hearing officer will grant or deny the application to intervene pursuant to Rule 52.12, Supreme Court Rules of Civil Procedure. The Missouri Hazardous Waste Management Commission or hearing officer may condition any grant of intervention as the circumstances may warrant.

(G) If the applicant fails to comply with the terms and conditions of the variance as specified by the Missouri Hazardous Waste Management Commission, the variance may be revoked or modified by the commission after a formal hearing held after no less than thirty (30) days' written notice. The department will notify all persons who will be subjected to greater restrictions if the variance is revoked or modified and each person who requested notice from the department.

**AUTHORITY:** sections 260.370, [RSMo Supp. 2013, and sections] 260.400, 260.405, and 260.437, RSMo [2000] 2016. Original rule filed June 1, 1998, effective Jan. 30, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To

*be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 9—Resource Recovery**

**PROPOSED RESCISSION**

**10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes.**  
This rule established a system of issuing certificates to individuals or facilities engaged in the recovery or recycling of hazardous waste.

*PURPOSE: This rule is being rescinded because entities subject to its requirements have alternative requirements in place that allow them to engage in the same activity without needing to obtain a certificate from the department. The alternative requirements are contained in a federal rule that will be proposed for adoption in Missouri. These conditions established in the federal rule will ensure that recycling and handling of this material is done in a safe and protective manner, while the burdens of the existing rule and resource recovery certification process are not producing a corresponding environmental benefit.*

*AUTHORITY: sections 260.370, 260.373, and 260.395, RSMo Supp. 2013, and section 260.437, RSMo 2000. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 12, 2018.*

*PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions eighty-two thousand five hundred sixty-one dollars (\$82,561) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

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## FISCAL NOTE PUBLIC ENTITY COST

### I. RULE NUMBER

Rule Number and Name:	10 CSR 25-9.020, Hazardous Waste Resource Recovery Processes
Type of Rulemaking:	Rescission

### II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	Loss of \$22,000 annually in oversight costs
Department of Natural Resources	Loss of \$53,561 annually in hazardous waste tonnage fees for recycled hazardous secondary material
Department of Natural Resources	Loss of \$7,000 in fixed costs related to Department's role in review of resource recovery certificates
Total annual loss to Department of Natural Resources	\$82,561

### III. WORKSHEET

#### *Cost Recovery for resource recovery facilities*

Amount charged in FY 17 for oversight related to issuance of resource recovery certificate:

\$22,000

Fixed costs for oversight of resource recovery certificates in FY 17:

\$7,000

#### **Loss of hazardous waste fees on excluded material**

\$53,561 – based on FY 17 adjusted for projects which have already been exempted

Total annual loss = \$22,000 + \$7,000 + \$53,561

#### **IV. ASSUMPTIONS**

1. Approximately 20 facilities operate under resource recovery certificates. The actual amount varies as certificates expire and are reissued. Current certificate holders would no longer need certificates if the rule is rescinded assuming they instead operate under the exclusion from the definition of solid waste for recycled hazardous secondary material
2. Hazardous waste fees based on the amount of hazardous waste generated would no longer apply to hazardous secondary materials recycled under one of the exclusions proposed for adoption.
3. The Department would also no longer collect fees associated with the oversight of resource recovery facilities
4. Administrative/facility inspection burden would shift from the Permits Section of the Department's Hazardous Waste Program to the program's Compliance and Enforcement Section as well as the Department's Regional Offices.
5. Loss of hazardous waste fees is based on the amount of fees charged for this material in FY 17 that would have been lost if the material was not considered hazardous waste
6. Although the amount generated in any one year may vary, the Department assumes a constant amount for purposes of this fiscal note

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 10—Abandoned or Uncontrolled Hazardous**  
**Waste Disposal Sites**

**PROPOSED RESCISSION**

**10 CSR 25-10.010 Abandoned or Uncontrolled Hazardous Waste Disposal Sites.** This rule implements a statute that establishes the Missouri Registry of Abandoned or Uncontrolled Hazardous Waste Disposal Sites.

*PURPOSE:* The rule is proposed for rescission because a review of the rule as part of the department's Red Tape Reduction initiative revealed that much of the rule merely restates language that is already in the statute itself. The few elements of the rule not found in the statute are no longer necessary. Because of the duplicative language and the fact that some of the information is outdated, the burdens of implementing the requirements written in the existing rule are not producing a corresponding environmental benefit.

*AUTHORITY:* sections 260.370, 260.437, 260.440, 260.445 and 260.455, RSMo Supp. 2000. Original rule filed Aug. 14, 1984, effective March 1, 1985. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 12, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 11—Used Oil**

**PROPOSED AMENDMENT**

**10 CSR 25-11.279 Recycled Used Oil Management Standards.** The commission proposes to amend sections (1), (2), and (3) of the rule.

*PURPOSE:* All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing reg-

ulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(1) The regulations set forth in 40 CFR parts 110.1, 112, and 279, July 1, 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) *[shall apply]* **applies** in this rule in addition to any other modifications set forth in section (2) of this rule. *[Where conflicting rules exist in 10 CSR 25, the more stringent shall control.]*

(2) This section sets forth specific modification to 40 CFR part 279, incorporated by reference in section (1) of this rule. A person managing used oil shall comply with this section in addition to the regulations in 40 CFR part 279. In the case of contradictory or conflicting requirements, the more stringent *[shall]* **rules** control. (Comment: This section has been organized so that Missouri additions, changes, or deletions to a particular lettered subpart in 40 CFR part 279 are noted in the corresponding lettered subsection of this section. For example, changes to 40 CFR part 279 subpart A are found in subsection (2)(A) of this rule.)

(D) Standards for Used Oil Collection Centers and Aggregation Points. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart D.

1. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points owned by the generator may accept used oil from farmers not regulated under 40 CFR part 279 subpart C.

2. In addition to the requirements of 40 CFR part 279 subpart D, do-it-yourselfer used oil collection centers, used oil aggregation points, and used oil collection centers shall notify the solid waste district in which they operate or the department's Hazardous Waste Program of their used oil collection activities.

A. Notification shall be by letter and *[shall]* include the following:

(I) The name and location of the collection center;

(II) The name and telephone number of the owner or operator;

(III) The name and telephone number of the facility contact, if different from the owner or operator;

(IV) The type of collection center; and

(V) The dates and hours of operation.

B. The notification submitted by a used oil collection center will satisfy the requirement of 40 CFR 279.31(b)(2) that the used oil collection center be recognized by the state.

C. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points shall notify the solid waste district in which they operate or the department's Hazardous Waste Program when their used oil collection activities cease.

D. The notifications to operate or cease to operate received by a solid waste district shall be transmitted to the department's Hazardous Waste Program for public information purposes or be incorporated in the information submitted to the department as part of their regular reporting requirements.

3. No quantity of used oil collected by do-it-yourselfer oil collection centers, used oil collection centers, and used oil aggregation points shall be stored for more than twelve (12) months at the collection center or aggregation point.

4. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

5. Used oil collection centers, do-it-yourselfer used oil collection centers, and used oil aggregation points shall have a means of



controlling public access to the used oil storage area.

A. Access control may be an artificial or natural barrier which completely surrounds the storage area or access control may be achieved by storing the used oil inside a locked building.

B. An attendant shall be present when the public has access to the do-it-yourselfer used oil collection center, used oil collection center, and used oil aggregation point. No public access shall be allowed to the stored used oil when the collection center or aggregation point is unattended.

(E) Standards for Used Oil Transporters and Transfer Facilities. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart E.

1. In addition to the requirements of 40 CFR 279.42, transporters of used oil shall be licensed in accordance with the requirements in 10 CSR 25-6.263.

2. In addition to the requirements of 40 CFR 279.45(d)-(f), incorporated by reference in this rule, secondary containment systems shall have a capacity equal to or greater than ten percent (10%) of the containerized waste volume, or the volume of the largest container, whichever is greater. (Note: Facilities that store used oil in tanks near navigable waters may be subject to the spill prevention, control, and counter-measures standards found in 40 CFR 112.)

3. In addition to the requirements of 40 CFR 279.46, incorporated by reference in this rule, the following shall apply:

A. *[The information described in 40 CFR 279.46(a)-(c), incorporated by reference in this rule, shall be recorded on form MO 780-1449(11-93), the Transporter's Used Oil Shipment Record, incorporated by reference in this rule and provided by the department; and] (Reserved)*

B. All transporters who transport one thousand (1,000) gallons or more used oil in a reporting period must submit the information described in 40 CFR 279.46(a) and (b) to the director of the department's Hazardous Waste Program annually, on form MO 780-1555, the Transporter's Annual Report Form, incorporated by reference in this rule and provided by the department. The form shall include information for a reporting period from July 1 to June 30, and *[shall]* be submitted by August 31 following the reporting period.

4. In addition to the requirements of 40 CFR 279.46 incorporated in this rule, transporters of used oil operating a transfer facility shall maintain an inventory log to assure the off-site shipment of used oil within thirty-five (35) days.

5. In addition to the requirements of 40 CFR 279.46(d), incorporated in this rule, the inventory log described in paragraph (2)(E)4. of this rule shall be maintained for at least three (3) years, or longer if *[required]* requested by the department.

6. In addition to the requirement of 40 CFR 279.47, used oil transporters who operate a transfer facility shall close the transfer facility in accordance with 10 CSR 25-6.263(2)(A)10.G.

7. Used oil transfer facilities shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

8. For shipments involving rail transportation, the initial rail transporter shall forward copies of the shipping record to—

A. The next nonrail transporter, if any;

B. The receiving facility if the shipment is delivered by rail;

or

C. The last rail transporter handling the used oil in the United States.

(F) Standards for Used Oil Processors and Re-Refiners. This subsection sets forth requirements which modify or add to those *[required by]* in 40 CFR part 279 subpart F.

1. In 40 CFR 279.52(b)(6)(iv)(B), incorporated in this rule, the government official described as the on-scene coordinator shall be either the department's emergency response coordinator or the EPA Region VII emergency planning and response branch.

2. In addition to the requirements at 40 CFR 279.54(c) and (d), secondary containment systems shall have a capacity equal to or

greater than ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater. (Note: Facilities that store used oil in tanks near navigable waters may be subject to the spill prevention, control, and counter-measures standards found in 40 CFR 112.)

3. In 40 CFR 279.54(g), incorporated by reference in this rule, delete "the effective date of the authorized used oil program for the State in which the release is located," and insert in its place "the original effective date of 10 CSR 25-11.279."

4. In 40 CFR 279.52(b)(6)(viii)(C), incorporated in this rule, the state authority to be notified is the director of the department's Hazardous Waste Program.

5. Used oil processors and re-refiners shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

(G) Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart G.

1. In addition to the requirements of 40 CFR 279.64(c)-(e), secondary containment systems shall have a capacity equal to or greater than ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater. (Note: Facilities that store used oil in tanks near navigable waters may be subject to the spill prevention, control, and counter-measures standards found in 40 CFR 112.)

2. In 40 CFR 279.64(g), incorporated in this rule, delete "the effective date of the authorized used oil program for the State in which the release is located," and insert in its place "the original effective date of 10 CSR 25-11.279."

3. Used oil burners shall provide the transporter who delivers each shipment of used oil with the information *[required]* specified in 40 CFR 279.65, incorporated in this rule, and *[shall]* retain for three (3) years a copy of the completed form MO 780-1449(4-94), the Transporter's Used Oil Shipment Record for each shipment received. The period of record retention shall extend automatically during the course of any pending enforcement action, or upon the director's request. The records shall be available to authorized representatives of the department for inspection and copying during regular business hours.

4. Used oil burners shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

(H) Standards for Used Oil Fuel Marketers. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart H.

1. Used oil marketers subject to 40 CFR 279.74, incorporated in this rule, shall provide the transporter who delivers each shipment of used oil with the information *[required]* specified in 40 CFR 279.74 and *[shall]* retain for three (3) years a copy of the completed form MO 780-1449(4-94), the Transporter's Used Oil Shipment Record for each shipment received. The period of record retention shall extend automatically during the course of any pending enforcement action, or upon the director's request. The records shall be available to authorized representatives of the department for inspection and copying during regular business hours.

(I) Standards for Use as a Dust Suppressant and Disposal of Used Oil. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart I.

1. 40 CFR 279.81 is not incorporated in this rule. Instead of the requirements in 40 CFR 279.81, the following shall apply:

A. *[Used] Manage used* oil that cannot be or is not intended to be recycled *[in accordance with this rule shall be managed]* in accordance with 10 CSR 25-5, 6, 7, 9, and 13, and release of even non-hazardous used oil into the environment is prohibited.

2. The use of used oil as a dust suppressant on a road, parking lot, driveway, or other similar surface is prohibited.

3. 40 CFR 279.82 is not incorporated in this rule.

(3) Requirements for Low Concentration Polychlorinated Biphenyls (PCB) Used Oil.

*[(C) Low concentration PCB used oil that cannot be or is not intended to be recycled in accordance with this rule shall be assigned Missouri waste code number D096. The generator shall record this waste code as any shipment record or manifest that accompanies a consignment of low concentration PCB used oil that is destined for disposal.]*

*[(D)](C)* A generator, transporter, or owner/operator of a hazardous waste management facility, certified resource recovery facility, or PCB facility that manages low concentration PCB used oil may be required to verify by analysis or investigation, or both, that the used oil is not PCB material as defined in 10 CSR 25-13.010.

*[(E)](D)* No person shall dispose of oily waste resulting from a spill or leak of low concentration PCB used oil in a solid waste landfill if the oily waste contains equal to or greater than one (1) pound of PCBs.

**AUTHORITY:** section 260.370, RSMo [Supp. 2013] 2016. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 12—Hazardous Waste Fees and Taxes**

**PROPOSED AMENDMENT**

**10 CSR 25-12.010 Fees and Taxes.** The commission proposes to amend sections (1), (2), and (3) of the rule.

**PURPOSE:** All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(1) Hazardous Waste Fees Applicable to Generators of Hazardous Waste. The fees in this section apply notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this section.

(A) In-State Waste Fee. A generator of hazardous waste shall pay the In-State Waste Fee annually in accordance with this subsection.

1. The fee shall be paid annually on or before January 1 of each year.

2. The fee shall be based on the waste reported to the department for the twelve- (12-) month period ending June 30 of the previous year.

3. For the purpose of calculating this fee, any portion of a ton shall be assessed as though it were a whole ton.

4. *[Beginning with the reporting year covering July 1, 2016 to June 30, 2017, t]*The first ton of waste generated each year shall be assessed a fee of two hundred dollars (\$200). *[For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, the minimum fee shall be one hundred fifty dollars (\$150).]*

5. *[Beginning with the reporting year covering July 1, 2016 to June 30, 2017, e]*Each additional ton of waste shall be assessed a fee of six dollars and ten cents (\$6.10). *[For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, the rate shall be five dollars (\$5) per ton.]*

6. *[Beginning with the reporting year covering July 1, 2016 to June 30, 2017, n]*No generator site may be assessed a fee in excess of fifty-seven thousand dollars (\$57,000) for any given year. *[For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, no generator site may be assessed a fee in excess of fifty-two thousand dollars (\$52,000) for any given year.]*

7. Failure to pay this fee in full by the due date shall result in the imposition of a late fee equal to fifteen percent (15%) of the total original fee.

**EXAMPLES OF IN-STATE WASTE FEE CALCULATION** (These examples are for the rates that go into effect beginning with the July 1, 2016 to June 30, 2017 reporting year.)

Example 1. ABC Company reports 0.4 tons of hazardous waste. The number of tons would be rounded to 1 ton.

The fee would be \$200 because the fee on the 1st ton of waste is \$200.

Example 2. ABC Company reports 25 tons of hazardous waste.

$\$6.10 \times 24 \text{ tons} + \$200 \text{ for 1st ton} = \$346.40 \text{ fee}$

Example 3. ABC Company reports 11,001 tons of hazardous waste.

$\$6.10 \times 11,000 \text{ tons} + \$200 \text{ for 1st ton} = \$67,300 \text{ fee}$

The fee would be \$57,000, because that is the maximum annual fee.

8. **No fee will be assessed on** *[H]*hazardous waste that is discharged by a generator to a municipal wastewater treatment plant, which is regulated by a permit issued by the Missouri Clean Water Commission, *shall be assessed a fee of zero cents per ton (0¢/ton) of hazardous waste so managed*.

(B) Land Disposal Fee. A generator *[required to register]* **subject to registration** in accordance with 10 CSR 25-5.262 shall pay a land disposal fee in accordance with this subsection. *[Beginning with the reporting year covering July 1, 2016 to June 30, 2017, t]*The fee shall be paid annually, on or before January 1 of each year, at the rate of twenty-nine dollars and fifty cents (\$29.50) per ton or portion thereof for the hazardous waste reported to the department for the twelve- (12-) month period ending June 30 of the

previous year, having been discharged, deposited, dumped, or placed into or on the soil as a final action. For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, the rate shall be twenty-five dollars (\$25) per ton. *[This fee shall not be]* **No fee will** be assessed on generators who land dispose less than ten (10) tons of hazardous waste.

1. Failure to pay this fee in full by the due date shall result in a fifteen percent (15%) late fee being assessed on the amount owed.

2. When this fee is paid after the prescribed due date, interest shall be assessed on the period from the fee's due date to the date the fee is paid in full at an annual rate of ten percent (10%).

**EXAMPLES OF LAND DISPOSAL FEE CALCULATION** (These examples are for the rates that go into effect beginning with the July 1, 2016 to June 30, 2017 reporting year.)

Example 1. ABC Company reports land disposing 9.8 tons of hazardous waste. The fee would not be assessed since less than 10 tons of waste was land disposed.

Example 2. ABC Company reports land disposing exactly 10 tons of hazardous waste.

$\$29.50 \times 10 \text{ tons} = \$295 \text{ fee}$

Example 3. ABC Company reports land disposing 124.3 tons of hazardous waste. The number of tons would be rounded to 125.

$\$29.50 \times 125 \text{ tons} = \$3,687.50 \text{ fee}$

(C) *[A generator required to register in accordance with 10 CSR 25-5.262 shall pay a landfill tax of two percent (2%) of the gross charges and fees charged for disposal, which is collected by the landfill owner/operator when depositing waste at a hazardous waste landfill.] (Reserved)*

(E) **Registration Fee.** A generator *[required to register]* **subject to registration** in accordance with 10 CSR 25-5.262 shall pay the following registration fees:

1. *[Prior to October 1, 2016, all new generator registration and registration renewal fees will be one hundred dollars (\$100). Beginning October 1, 2016, all new generator registration and registration renewal fees that will cover calendar year 2017 and beyond will be assessed at the new rates established in this subsection. The amount of the registration fee]* **All new generator registration and renewal fees** will be based upon the generator status of the generator. The fee schedule is as follows:

A. A generator registering as a Large Quantity Generator shall pay a registration fee of five hundred dollars (\$500);

B. A generator registering as a Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150); and

C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150);

2. A registration fee will be paid with the submittal of the registration form required by 10 CSR 25-5.262 when one (1) of the following is true:

A. The generator is applying for a new ID number (initial registration);

B. The generator is reactivating an existing ID number that had been inactivated;

C. There has been a change in the ownership of the generator (initial registration for the new company); and

D. A SQG or CESQG who changes their generator status to LQG and has already paid the one hundred fifty dollar (\$150) registration fee for the year as required by this subsection shall pay three hundred fifty dollars (\$350) with the submittal of the required registration form;

3. The following constitutes the procedure for registration renewal:

A. The amount of the registration renewal fee is also based upon the generator status of the generator at the time the invoice is generated and uses the same schedule as the registration fee;

B. The calendar year shall constitute the annual registration period;

C. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

D. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but *[shall]* not *[pay]* the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee. *For any generator registering between October 1, 2016 and December 31, 2016, the initial registration fee will be assessed at the new rates established in this subsection for the calendar year that begins on January 1, 2017];*

E. Any generator *[required to register]* **subject to registration** who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

F. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the *[required]* annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

G. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the *[required]* annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

H. **The department will immediately revoke the registration of** *[A/any person who pays the annual renewal fee with what is found to be an insufficient check [shall have the registration immediately revoked]; and*

4. Large quantity generator registration renewal petition process. A generator may petition to have a single large quantity generator registration renewal fee cover multiple generator sites with different ID numbers as long as at least one (1) generator site is a large quantity generator and the generator can demonstrate to the satisfaction of the department that each of the following conditions has been met:

A. All of the generator sites are owned or leased by the same person and all are under control of the same person;

B. The generator provides a single point of contact for all generator sites within the group;

C. Each generator site is adjacent to a property that also shares a border with at least one (1) other generator site in the group, or all generator sites are accessible by a common roadway, or all generator sites are within the recognized boundaries of an industrial park, warehouse district, research campus, or academic campus, provided that all generator sites are in close proximity to one another and can be inspected as a single facility;

D. The generator submits a map that shows the location of each generator site covered by the single registration fee;

E. All of the generator sites share a single contingency plan, a single repository for required records, and a unified training plan that covers all of the large quantity and small quantity generator sites; and

F. The generator must submit an updated petition and map any time a generator site is added to or removed from the group and each generator site must have an existing ID number before it can be

added to the group.

(F) Out-of-State Waste Fee. All owners/operators of Missouri treatment, storage, or disposal facilities shall pay annually, on or before January 1 of each year, a fee to the department of two dollars (\$2) per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve- (12-) month period ending June 30 of the previous year. This fee shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri. Failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee.

#### EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri.

$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 411.

$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 52,150.

$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$

#### (2) Fees and Taxes Applicable to Transporters of Hazardous Waste.

(A) A transporter *[required to register]* **subject to registration** as a generator under 10 CSR 25-6.263 and, in accordance with 10 CSR 25-5.262, shall pay fees and taxes *[required under]* **specified** in section (1) of this rule.

(C) A hazardous waste transporter as defined at 10 CSR 25-3.260, except those exempted in subsection (E) of this section, requesting a hazardous waste transporter license in accordance with 10 CSR 25-6.263 shall submit to the department along with their license application the following fees:

1. An annual application fee of two hundred dollars (\$200); and
2. A use-based fee, calculated by adding the total licensed vehicle weight (LVW) of power units, and multiplying by the percentage of Missouri International Registration Plan (IRP) mileage (MOIRP) by the percent hazardous waste (HW) times a use rate of .0425. The formula is:  $LVW \times \%MOIRP \times \%HW \times .0425 = \text{Use Fee}$ . Fee calculations shall be submitted on forms furnished by the department in its application packet. Transporters shall base all calculations on the period of twelve (12) consecutive months immediately prior to July 1 immediately preceding the date of the license application. This time frame is known as the "previous year."

A. For those power units which utilize the International Registration Plan (IRP) or 12 CSR 20-3.010 for apportioned registration, the transporter shall use the reported Missouri IRP mileage for the previous year.

B. For those power units not required to track IRP miles, the transporter shall calculate MOIRP mileage by dividing the Missouri mileage of their power units by total mileage for the previous year.

C. The percentage of hazardous waste will be the number of hazardous waste, used oil, or infectious waste truckloads from, to, or through Missouri, divided by the total truckloads from, to, or through Missouri, in the form of a percentage, for the previous year.

D. New transporters who wish to obtain a hazardous waste license and have no "previous year" history of hauling hazardous waste, shall calculate license fees based on estimates of MOIRP mileage and percent hazardous waste.

(I) If an estimate is used to calculate the license fee, the transporter shall, within sixty (60) days of the expiration of the

license, report the actual Missouri mileage and percent hazardous waste for the current license year. The renewal fee will include the license fee for the next year, plus any money owed the department due to an underestimation of the current year, plus ten percent (10%).

(II) *[The department shall not issue]* **No refunds will be issued by the department**, but the department will issue credit for license fees in excess of ten percent (10%) (overestimation) for the next license year.

E. A transporter who wishes to add another power unit other than when applying for the annual license shall submit, along with power unit descriptions, a fee computed from this formula:  $LVW \text{ of power unit} \times \%MOIRP \times \%HW \times .0425 = \text{Use Fee}$ . Divide this figure by twelve (12), then multiply by the number of months remaining in the license year to derive the fee.

F. To replace one (1) power unit for another (due to accident, sale, or extended maintenance) submit all the required information for the replacement and a license certificate will be issued for that power unit for a limited period.

G. A temporary permit can be issued for thirty (30)/-/- days for a fee of fifty dollars (\$50) for a power unit that is, for example, a temporary lease that is added to the fleet.

3. The total fee shall not exceed twenty-five thousand dollars (\$25,000) per transporter per year.

(E) Other than power unit transporters are not subject to the requirements of subsections (C) and (D) of this section. The license fee for each mode of transport other than power units shall be three hundred fifty dollars (\$350) per transporter per year. An other than power unit transporter shall not originally include, nor add, more than one (1) mode on the same license. For example, *[a license for rail transport shall]* **for a rail transport license, do not include** power unit hazardous waste transportation.

#### (3) Fees and Taxes Applicable to Applicants for Permits or Certifications and to Owners/Operators of Treatment, Storage, and Disposal, or Resource Recovery Facilities.

(A) An owner/operator of hazardous waste treatment, storage, or disposal facility shall pay fees and taxes *[required]* **as specified** in subsections (1)(A), (B), and (C) of this rule. An owner/operator of a hazardous waste treatment, storage, and disposal, or resource recovery facility also shall pay fees and taxes *[required]* **as specified** in section (1) of this rule for hazardous waste which is transported off-site for final disposition. (Note: These fees are not applicable to waste transported off-site for storage only; however, the fees are applicable to the waste transported from the storage facility to the point of final disposition except as provided in section (1).)

(B) A permit applicant shall pay the following fees upon application as *[required]* **specified** in subdivision 260.395.7(6), RSMo and in accordance with 10 CSR 25-7.270(2)(B)8.: One thousand dollars (\$1,000) for each hazardous waste management treatment, storage, or disposal facility. The fee shall be submitted with the application. The fee shall cover the first year of the permit, if issued, but the fee is not refundable if the permit is not issued. If the permit is to be issued for more than one (1) year, the applicant shall pay fees as *[required]* **specified** in subsection (3)(C) of this rule.

(C) A permit applicant shall pay the following fees as *[required]* **specified** in subdivision 260.395.7(6), RSMo, and in accordance with 10 CSR 25-7.270(2)(C)1.A.: One thousand dollars (\$1,000) for each hazardous waste management treatment, storage, or disposal facility for each year the permit is to be in effect beyond the first year.

(D) An applicant for a hazardous waste treatment, storage, or disposal facility permit *[for resource recovery certification]* shall pay all applicable costs in accordance with 10 CSR 25-7.270(2)(B)9., *[10 CSR 25-9.020(5),]* and as *[required]* **specified** by subdivisions 260.395.7(7) and 260.395.14(2), RSMo for engineering and geological review. Those costs for engineering and geological review will be billed in the following categories:

1. The project engineer's and geologist's time expended in the following areas:

A. Supervision of field work undertaken to collect geologic and engineering data for submission with the permit application or resource recovery certification application;

B. Review of geologic and engineering plans submitted in relation to the permit application *[or resource recovery certification application]*;

C. Assessment and attesting to the accuracy and adequacy of the geologic and engineering plans submitted in relation to the permit application *[or resource recovery certification application]*; and

D. The project engineer's and geologist's time billed at the engineer's and geologist's hourly rates multiplied by a fixed factor of three and one-half (3 1/2). This fixed factor is comprised of direct labor; fringe benefits including, but not limited to, insurance, medical coverage, Social Security, Workers' Compensation, and retirement; direct overhead, including, but not limited to, clerical support and supervisory engineering review and Hazardous Waste Program administrative and management support; general overhead, including, but not limited to, utilities, janitorial services, building expenses, supplies, expenses and equipment, and department indirect costs; and engineering support, including, but not limited to, training, peer review, tracking and coordination;

2. The direct costs associated with travel to the facility site to supervise any field work undertaken to collect geologic and engineering data or to ascertain the accuracy and adequacy of geologic and engineering plans, or both, including, but not limited to, expenses actually incurred for lodging, meals, and mileage based on the rate established by the state of Missouri. These costs are in addition to the costs in paragraph (3)(D)1. of this rule; and

3. Costs directly associated with public notification and departmental public hearings, including legal notice costs, media broadcast costs, mailing costs, hearing officer costs, court reporter costs, hearing room costs, and security costs, will be billed to the applicant. In a contested case as defined in section 536.070(4), RSMo, costs related to preparing and supplying one (1) copy of the transcript(s) of the case shall not be charged to the applicant.

*[(F) The applicant for a resource recovery certificate shall pay the following fee in accordance with 10 CSR 25-9.020(4) and subdivision 260.395.14(2), RSMo when submitting the application: Five hundred dollars (\$500) if the application is for a resource recovery facility which legitimately reclaims or recycles hazardous waste on-site in accordance with 10 CSR 25-9 or one thousand dollars (\$1,000) if the application is for a resource recovery facility which receives hazardous waste from off-site for legitimate reclamation or recycling in accordance with 10 CSR 25-9.]*

**AUTHORITY:** sections 260.370, **260.380**, 260.390, *[and]* 260.391, *[RSMo Supp. 2013, sections 260.380 and]* **260.395**, **260.437**, and 260.475, *[RSMo Supp. 2014, section 260.395, RSMo Supp. 2015, and section 260.437,]* RSMo [2000] **2016**. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interest-

ed person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 13—Polychlorinated Biphenyls**

### **PROPOSED AMENDMENT**

**10 CSR 25-13.010 Polychlorinated Biphenyls.** The commission proposes to amend sections (1) through (6), and sections (8) and (10) of the rule.

**PURPOSE:** All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(1) The regulations set forth in 40 CFR parts 761.3, 761.30(a)(2)(v), 761.60(b)(1)(i)(B), 761.60(g), 761.65(b), 761.71, 761.79, 761.72, and 761.180(b), July 1, 2013, as published by the Office of Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) *[shall apply]* **applies** in this rule in addition to any other modifications set forth in this rule. *[Where conflicting rules exist in 10 CSR 25, the more stringent shall control.]*

(2) Applicability.

(A) This rule *[shall apply]* **applies** in the state of Missouri to all polychlorinated biphenyls (PCB) material and PCB units as defined in subsection (3)(A) in shipment to or from or managed at a Missouri PCB facility.

(B) Used oil containing PCBs at a concentration of less than fifty parts per million (50 ppm) and not otherwise meeting the definition of PCB material shall be managed in accordance with 10 CSR 25-11.

(C) Where conflicting regulations exist in 10 CSR 25, the more stringent *[shall]* controls.

(D) This rule does not relieve a regulated person from his/her responsibility to comply with the federal Toxic Substances Control Act, 15 USC 2601-2629 (December 22, 1987) or the corresponding regulations.

(3) Definitions and Substitution of Terms. This section supplements and modifies the definitions in 10 CSR 25-3 and 10 CSR 25-7.

(C) *[The following terms shall be substituted]* **Substitute the following terms** in the portions of 40 CFR Part 264, 40 CFR Part 265, 40 CFR Part 270, and 10 CSR 25 that apply in this rule:

1. "PCB material," "PCB units," or both *[shall be substituted]* for "hazardous waste";

2. "PCB facility" *[shall be substituted]* for "hazardous waste facility"; "hazardous waste treatment, storage or disposal facility"; "treatment, storage or disposal facility"; and "HWM facility"; and

3. "PCB facility permit" *[shall be substituted]* for "Part B permit" and "RCRA permit."

(4) Manifesting, Record Keeping, and Reporting.

(A) *[Assignment of PCB Identification Numbers. PCB material and PCB units are assigned the following PCB identification numbers:] (Reserved)*

*[M001 Mineral oil dielectric fluid containing equal to or greater than fifty parts per million (50 ppm) PCBs but less than five hundred parts per million (500 ppm) PCBs.*

*M002 PCB-contaminated electrical equipment with dielectric fluid.*

*M003 PCB-contaminated electrical equipment that has been drained of all free-flowing liquids.*

*M004 Dielectric fluid containing greater than five hundred parts per million (500 ppm) PCBs.*

*M005 PCB transformers with dielectric fluid.*

*M006 PCB transformers that have been drained of all free-flowing liquids.*

*M007 PCB transformers that have been flushed with solvent as prescribed in 40 CFR 761.60(b)(1)(i)(B).*

*M008 Capacitors contaminated with PCBs.*

*M009 Soil, solids, sludges, dredge materials, clothing, rags, or other debris contaminated with PCBs.*

*M010 PCB-contaminated solvent. (Note: Any PCB-contaminated solvent that meets the definition of hazardous waste shall further be identified by the appropriate EPA identification number.)*

*M011 Other PCB material.*

*M012 Other PCB units.]*

(B) Manifests. All shipments destined to or originating from a Missouri PCB facility shall meet the requirements of 40 CFR 761.207 through 40 CFR 761.219. Any *[required]* reports *[shall be]* **specified in these regulations are to be** submitted to the department as well as to the EPA Regional Administrator.

(D) Reporting Requirements. The owner or operator of a PCB facility shall **complete and** submit the following reports to the department:

1. *[The owner or operator shall submit an annual report/ An annual report prepared in accordance with 40 CFR 761.180(b) by July 15 of each year that covers the previous calendar year. [The annual report shall be prepared in accordance with 40 CFR 761.180(b).]*

2. *[The owner or operator shall complete and submit,] A quarterly report that includes the following information within forty-five (45) days after the end of each calendar quarter/, a quarterly report that includes the following information]:*

A. The name, address, and phone number of the facility;

B. The quarter for which the report is prepared;

C. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) received during the quarter. For the purpose of this report, any dielectric fluid drained from electrical equipment shall be designated as M001 or M004, as applicable;

D. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) generated on-site;

E. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) treated on-site and the method of treatment;

F. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) transferred to other treatment, storage, or disposal facilities. A summary shall be prepared for each individual facility utilized and shall include a list of shipping dates and the method of final disposition;

G. A summary of the total quantity of PCB material and PCB

units (designated by PCB identification number) retained at the facility at the end of the reporting quarter;

H. In chronological order, a copy of each PCB manifest received during the reporting quarter;

I. In chronological order, all completed manifests utilized for off-site shipments during that calendar quarter; and

J. A certification **with original signature of the owner or operator** which reads: "CERTIFICATION: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete for the quarterly accounting of PCB material so handled, and the operations of the facility referenced herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." *[The original signature of the owner or operator shall follow this certification.]*

(E) Operating Record. The owner or operator of a PCB facility shall maintain a written operating record. This subsection sets forth record keeping requirements for storage and transfer operations. A PCB facility shall also comply with the applicable record keeping requirements set forth in sections (7) and (8) of this rule. The information *[required]* **specified** in this subsection shall be recorded, as it becomes available, and maintained in the operating record of the facility until closure of the facility.

1. When PCB material is transferred from a PCB article or PCB container to a PCB container (for example, bulk tank or drum), the owner or operator shall record the following information:

A. The date of transfer;

B. The quantity of PCB material transferred;

C. The appropriate PCB identification number or some other reference to the type of material and PCB concentration;

D. Identification of the container into which the PCBs were transferred; and

E. The manifest document number from the manifest that accompanied the consignment or some other type of cross reference to the manifest document number.

2. When PCB material is transferred from a bulk tank to a tank truck, the owner or operator shall record information that indicates—

A. The date transported;

B. The tank identification and tank level or the quantity of PCB material removed from the tank; and

C. The manifest document number(s) associated with the off-site shipment(s).

(5) Transporter Requirements.

(D) In addition to existing state and federal requirements, the department may require that **PCB transporters use** specific safety equipment, spill control equipment, and spill cleanup procedures *[be utilized by PCB transporters]*.

(6) Provisionally Regulated PCB Facilities.

(A) A PCB facility that meets the following criteria is defined as a provisionally regulated PCB facility:

1. *[The facility accepts only PCB waste numbers M002 and M003 for treatment and storage;] (Reserved)*

2. The quantity of PCB material accumulated on-site never exceeds ten thousand pounds (10,000 lbs);

3. The quantity of large PCB units accumulated on-site never exceeds fifty (50) units; and

4. The treatment processes conducted at the facility are limited to decontamination of PCB units that contained less than five hundred parts per million (500 ppm) PCBs.

(B) The owners or operators of provisionally regulated PCB facilities shall *[comply with the following]*:

1. *Notification. The facility owner or operator shall* submit a notification letter to the department prior to commencing operation as a PCB facility. *The notification letter shall* **that**

includes the following information:

**[A./1.]** The facility name, address, and telephone number; and  
**[B./2.]** A description of the existing and proposed treatment and storage methods and capacities;

**[2./3.]** Manifesting. PCB articles that are transported to a facility for the purpose of servicing need not be accompanied by a manifest; and

**[3./4.]** Owners or operators of PCB-contaminated metals reclamation incinerators shall meet the minimum technical standards in subsection (12)(A) of this rule.

(8) Standards for Owners and Operators of PCB Facilities. The owner and operator of a permitted Missouri PCB facility shall comply with this section. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR part 264 incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2), which apply in this rule. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.264 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.264(1) apply.

(I) Use and Management of Containers. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 264 Subpart I incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(I).

1. The term container as used in this subsection *[shall mean]* means PCB article, PCB container, or both.

2. The storage area shall meet the requirements in 40 CFR 761.65(b).

3. The temporary storage exemptions in 40 CFR 761.65(c)(1) are not allowed for permitted PCB facilities.

(O) PCB Incinerators. This subsection sets forth standards applicable to PCB incinerators which modify or add to those requirements in 40 CFR part 264 subpart O, incorporated by reference in 10 CSR 25-7.264(1).

1. The provisions of 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264(1), *[shall]* do not apply in this rule.

2. The requirements of 40 CFR 264.343(a)(1), as incorporated in 10 CSR 25-7.264(1), are modified to require an incinerator burning PCBs to achieve a destruction and removal efficiency (DRE) of ninety-nine and nine thousand nine hundred ninety-nine ten-thousandths percent (99.9999%).

3. The provisions of 40 CFR 264.343(a)(2) as incorporated in 10 CSR 25-7.264(1) *[shall]* do not apply in this rule.

4. Combustion criteria for PCB liquids and combustion gases entering a secondary chamber shall be either of the following:

A. Maintenance of the introduced liquids for a two- (2-) second dwell time at twelve hundred degrees Celsius, plus or minus one hundred degrees Celsius ( $1,200^{\circ}\text{C} \pm 100^{\circ}\text{C}$ ) and three percent (3%) excess oxygen in the stack gas; or

B. Maintenance of the introduced liquids for a one and one-half ( $1\frac{1}{2}$ ) second dwell time at sixteen hundred degrees Celsius, plus or minus one hundred degrees Celsius, ( $1,600^{\circ}\text{C} \pm 100^{\circ}\text{C}$ ) and two percent (2%) excess oxygen in the stack gas.

5. Combustion efficiency shall be at least ninety-nine and nine-tenths percent (99.9%), computed as follows: Combustion efficiency equals the concentration of carbon dioxide divided by the sum of the concentration of carbon dioxide and the concentration of carbon monoxide multiplied by one hundred

$$\left( \frac{C_{\text{CO}_2}}{C_{\text{CO}_2} + C_{\text{CO}}} \right) \times 100$$

where

$C_{\text{CO}_2}$  = the concentration of carbon dioxide; and

where

$C_{\text{CO}}$  = the concentration of carbon monoxide.

6. The provisions of 40 CFR 264.344(a)(2), as incorporated in

10 CSR 25-7.264(1) *[shall]* do not apply in this rule.

(10) PCB Facility Permitting. The requirements in 40 CFR part 270, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2) apply in this rule. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR part 270 incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2). This section does not apply to an owner or operator of a provisionally regulated PCB facility or a mobile treatment unit provided that the owner or operator maintains compliance with section (6) or (7) of this rule, respectively. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.270 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.270(1) apply in this rule.

(B) Permit Application. This subsection sets forth standards which modify or add to the requirements in 40 CFR part 270 subpart B, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(B).

1. The requirements for qualifying for interim status are set forth in paragraph (10)(G)2. of this rule.

2. The waste analysis plan *[required]* specified by 40 CFR 270.14(b)(3), as incorporated in 10 CSR 25-7.270(1), shall be prepared in accordance with subsection (8)(B).

3. These requirements are in addition to the specific information requirements for incinerators in 40 CFR 270.19 as incorporated in 10 CSR 25-7.270(1).

A. 40 CFR 270.19(a), as incorporated in 10 CSR 25-7.270(1), *[shall]* does not apply in this rule.

B. In addition to the requirements of 40 CFR 270.19(c)(5) as incorporated in 10 CSR 25-7.270(1), methods and results of monitoring for the following parameters shall be submitted from any previously-conducted trial burns: oxygen ( $\text{O}_2$ ); carbon dioxide ( $\text{CO}_2$ ); oxides of nitrogen ( $\text{NO}_x$ ); hydrochloric acid (HCl); total chlorinated organic content (RCI); PCBs; and total particulate matter.

(G) Interim Status. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 270 Subpart G, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(G).

1. A PCB facility that meets the requirements of this subsection may continue to operate without a PCB permit if the facility remains in compliance with the interim status requirements in this subsection.

2. A PCB facility *[shall qualify]* qualifies for interim status if the facility—

A. Was in operation on August 13, 1986;

B. Filed a letter of intent with the department before December 12, 1986 to construct, alter, or operate the facility; and

C. Is in compliance with section (9) of this rule.

**AUTHORITY:** sections 260.370, [and] 260.395, [RSMo Supp. 2013.] and [section] 260.396, RSMo [2000] 2016. Original rule filed Aug. 14, 1986, effective Jan. 1, 1987. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not



required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 15—Hazardous Substance Environmental**  
**Remediation (Voluntary Cleanup Program)**

**PROPOSED AMENDMENT**

**10 CSR 25-15.010 Hazardous Substance Environmental Remediation (Voluntary Cleanup Program).** The commission is deleting section (2), amending sections (3), (4), (5), (6), (8), and (9), and renumbering as needed.

**PURPOSE:** This rule is being amended to eliminate portions of the rule that only restate information that can also be found in the state statutes that establish the program. Removing these duplicative requirements will eliminate the need for future updates to the rule text if statutory provisions change in the future.

*[(2) Definitions and Substitution of Terms. This section supplements and modifies the definitions in 10 CSR 25-3. Where these definitions differ from those in 10 CSR 25-3, the modified definition is applicable only in this rule.]*

*(A) Additional Definitions.*

1. Days means calendar days unless otherwise specified.

2. Environmental remedial cleanup means a remedial action at an affected site undertaken and financed by a person, which remedial action is subject to oversight and approval by the department, and with respect to which remedial action the person agrees to pay the department's site-specific costs incurred in administration and oversight.

3. Hazardous substance means any hazardous substance specified in the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. sections 9601(14)(A)–(F) and any hazardous waste as defined in section 260.360, RSMo or any rules promulgated under sections 260.350–260.480, RSMo.

4. Nonresidential property means any real property currently or previously used for industrial or commercial purposes, or both.

5. Participation fees means the two hundred dollar (\$200) application fee, the initial oversight costs deposit not to exceed five thousand dollars (\$5000) and all additional oversight cost reimbursements.

6. Person means any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity which is recognized by law as the subject of rights and duties.

7. Phase I environmental site assessment means a non-invasive physical assessment of the real property conducted in accordance with American Society for Testing and

Materials (ASTM) Standard E.1527 by a technical consultant who is familiar with the nature of the operations and activities that have occurred on the real property.

8. Phase II environmental site assessment means an invasive investigation by a technical consultant of those areas of concern identified during the Phase I environmental site assessment.

*[(B) Modified definition applicable only to this rule. Remediation or remedial action means all appropriate actions taken to clean up contaminated real property, including but not limited to removal, remedial action and response as these terms are defined by the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601).]*

*[(3)](2) Intent to Participate.*

*[(A) Persons desiring to remediate real property with oversight by the department shall request an application form from the department.]*

*[(B)](A) [The application form shall include the information set forth in section 260.567.1, RSMo and any other existing and relevant information required by the department. The application form shall be filled out completely and returned to the department with the two hundred dollar (\$200) application fee.] Application forms may be submitted at any time from the completion of a Phase I environmental site assessment up through the development, but not including the implementation, of a remedial action plan. [Sites where remediation had been initiated or completed since August 28, 1994, will not be accepted into the voluntary cleanup program except in cases where limited action was taken to abate an emergency resulting from a release of hazardous substance.]*

*[(C)](B) The department will review the form for completeness. The department will return any form deemed incomplete to the person for completion. Upon receipt of all requested information, the department will notify the person that the application form is complete and proceed according to section [(4)] (3) of this rule.*

*[(D)](C) The department will deny applications for sites [which warrant clean-up under force of law or regulation under Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., as amended, or the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. section 9601 et seq., as amended, or the Missouri Hazardous Waste Management law] pursuant to section 260.567.2, RSMo, including sites that fall within any of the following categories:*

1. Conditions at a site constitute an imminent and substantial threat to public health or the environment;

2. Site inspection is completed and the site is being evaluated for listing on the **National Priorities List (NPL)**; or

3. Permitted or interim status Resource Conservation Recovery Act facilities; or

4. Sites which warrant enforcement action for clean-up under the Resource Conservation and Recovery Act, the Comprehensive Environmental Response Compensation and Liability Act, or the Missouri Hazardous Waste Management Law.]

*[(4)](3) Environmental Remediation Oversight [Agreement].*

*[(A) Upon approval of the application, the department shall enter into a site-specific environmental remediation oversight agreement with the person. This agreement shall set forth the responsibilities of the person and the department.*

*[(B) The person shall post an initial five thousand dollar (\$5000) deposit with the department or a lesser amount as determined by the department to cover the department's initial oversight costs. The deposit shall be a check or an irrevocable letter of credit issued by a Missouri bank.*

*(C) The person shall submit a copy of all reports concerning the results of any site assessments, investigations, sample collections and sample analyses, and any other existing and relevant information requested by the department. At a minimum, such reports and information shall consist of a Phase I environmental site assessment.]*

*[1.](A) All reports, including other information requested by the department pursuant to [subsection (4)(C) of this rule] section 260.567.3, RSMo, shall be submitted within ninety (90) days following receipt of notice from the department that these reports are required. An extension may be granted at the department's discretion.*

*[2.](B) The department will review and comment on the reports within one hundred eighty (180) days. The one hundred eighty (180) days shall start upon receipt of all the reports or the deposit [required in subsection (4)(B) of this rule] pursuant to section 260.567.3, RSMo, whichever is later.*

*[(D)](C) The person shall notify the department's voluntary cleanup project manager by telephone, facsimile or letter no later than five (5) working days before the intended starting date of field work relating to site characterization or remediation.*

*[(5)](4) Remedial Action Plan.*

*(A) The person shall submit a remedial action plan for any contamination identified in the environmental site assessments within ninety (90) days following notice from the department that this information is required. An extension may be granted at the department's discretion. The remedial action plan shall satisfy the requirements of section 260.567.6., RSMo.*

*[1.] The department shall review the remedial action plan and determine if the plan is protective of human health and the environment. If revisions or modifications of the plan are necessary, the department will notify the person of the required revisions.*

*[2. The final remedial action plan, including all the revisions or modifications, shall be approved by the department within ninety (90) days of receipt if the plan satisfies the requirements of section 260.567.6., RSMo.*

*(B) Implementation of the Approved Remedial Action Plan.*

*1. The approved remedial action plan shall be implemented by the person in accordance with the schedule contained in the work plan.*

*2. Quarterly progress reports shall be submitted to the department on forms provided by the department.]*

*[3.](B) Completion Report. A final completion report signed by the person or an authorized agent, documenting that all required work has been satisfactorily completed shall be submitted to the department.*

*[4. Departmental review and oversight of the environmental remediation shall be conducted in accordance with the provisions of the approved remedial action plan.]*

*[(6)](5) Notification of Completion. The department will issue a letter [to the person stating that no remedial action or no further remedial action need be taken at the site related to any contamination identified in the environmental assessments, provided that—] of completion pursuant to section 260.573, RSMo.*

*[(A) The person has complied with all provisions of this rule and sections 260.565—260.575, RSMo;*

*(B) Remedial actions, if any, have been taken in accordance with the approved remedial action plan; and*

*(C) All applicable participation fees have been remitted to the department.]*

*[(7)](6) Termination of Environmental Remediation.*

*(A) Pursuant to section 260.567.11., RSMo, a person may terminate participation at any time by providing the department with written notification [by certified mail]. This termination does not affect*

*the person's environmental liability.*

*(B) Pursuant to section 260.569.3., RSMo, the department may terminate a person's participation in the environmental remediation oversight agreement for cause.*

*(C) Reimbursement of unspent oversight monies shall be handled in accordance with section 260.569.4., RSMo.*

*[(8)](7) Oversight Reimbursements. The person shall reimburse the department for site-specific administration and oversight costs in accordance with section 260.569.1, RSMo and this rule.*

*(A) A complete accounting of the costs incurred by the department will be billed to the person by certified mail at the following rates:*

*1. Personnel. The project manager's and geology and laboratory field personnel's hourly rates multiplied by a fixed factor of three and one-half (3 1/2) will be the basis for time accounting billing. This fixed factor is composed of direct labor costs; fringe benefits, calculated at a rate developed by the department, indirect costs calculated at a rate approved by the United States [Department of the Interior] Environmental Protection Agency; and direct overhead, including, but not limited to, the cost of clerical support and supervisory engineering review and Hazardous Waste Program administrative and management support;*

*2. Expenses. The direct expenses incurred during administration and oversight and any analytical costs associated with sampling; plus indirect costs calculated at the approved United States [Department of the Interior] Environmental Protection Agency rates; and*

*3. Monitoring fee. For sites [which] that require engineering and/or institutional controls (e.g., capping, deed restrictions), the person shall submit a fee to cover the department's long-term monitoring costs. The department's voluntary cleanup project manager shall establish a site-specific monitoring fee, ranging from five thousand dollars to fifteen thousand dollars (\$5,000–\$15,000). The amount of the monitoring fee shall be dependent upon the complexity of the site and the type of engineering and/or institutional controls.*

*(B) The person shall reimburse the department as follows:*

*[1. Initial department expenses shall be reimbursed from the two hundred dollar (\$200) fee accompanying the application form.]*

*[2.1. After the two hundred dollar (\$200) application fee has been expended pursuant to section 260.569.1, RSMo, reimbursement shall be made from the deposit [required in subsection (4)(B) of this rule] pursuant to section 260.567.3, RSMo.*

*[3.2. The department shall bill the person for any further expenses. The person shall reimburse the department within sixty (60) days following notice from the department that reimbursement is due. Failure to submit timely reimbursement may be grounds for termination of the environmental remediation oversight agreement.*

*(C) The person may appeal [to the commission any charge within thirty (30) days of receipt of the bill in accordance with procedures outlined in section (9) of this rule] pursuant to section 260.569.1, RSMo. Upon appeal to the commission, the disputed amount shall be placed in escrow pending resolution of the appeal.*

*[(9)](8) Appeals.*

*[(A) The person may appeal to the commission any departmental action under sections 260.565—260.575, RSMo or this rule.*

*1. Appeals shall be filed with the staff director to the commission by certified mail within thirty (30) days of the disputed department action.*

*2. Appeals shall be in writing and shall specify the grounds for the appeal.]*

*[(B)] Appeal hearings will be conducted by the commission in accordance with section 260.400, RSMo.*

*AUTHORITY: sections 260.370, 260.567, 260.569, 260.571, and*

260.573, RSMo [2000] 2016. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Rescinded: Filed June 12, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on September 20, 2018. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 16—Universal Waste

### PROPOSED AMENDMENT

**10 CSR 25-16.273 Standards for Universal Waste Management.** The commission proposes to amend sections (1) and (2) of the rule.

**PURPOSE:** All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(1) The regulations set forth in 40 CFR part 273, July 1, 2013 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) *[shall apply]* **applies** in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent *[shall]* **rules** control.

(2) Small and large quantity handlers of universal waste, universal waste transporters, universal waste collection programs, and owners/operators of a universal waste destination facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 273 incorporated in this rule. (Comment: This section has been organized such that Missouri addi-

tions or changes to a particular federal subpart are noted in the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 273 subpart A are found in subsection (2)(A) of this rule.)

(B) Standards for Small Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart B, the following regulations also apply except that additional state specific requirements do not apply to batteries as described in 40 CFR 273.2, as incorporated in this rule:

1. In addition to the requirements of 40 CFR 273.11, a small quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving small quantity handler operates a universal waste pesticide collection program as defined in paragraph (2)(A)9. of this rule;

2. The phrase "or received from another handler" in 40 CFR 273.15(a) in regards to universal waste pesticides is not incorporated in this rule because in Missouri small quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler. *If a small quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section (2) of this rule, the handler shall comply with the accumulation time limits specified in the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri]* **without a universal waste pesticide collection program;**

3. In 40 CFR 273.18(a), with respect to universal waste pesticides, remove the phrase "another universal waste handler" and replace it with *"[a Missouri-certified resource recovery facility,]* a universal waste pesticide collection program";

4. Subsections 40 CFR 273.18(d) through (g) are not incorporated in this rule in regards to universal waste pesticides. In lieu of these subsections, the following requirements apply. *If a) to the originating handler if a shipment of universal waste pesticides is rejected by the [Missouri-certified resource recovery facility or] destination facility[,];* *[t]*The originating handler must either—

A. Receive the waste back when notified that the shipment has been rejected; or

B. Send the pesticides to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;

5. *(Reserved)*

6. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.20, as incorporated in this rule. The state may not assume authority from the Environmental Protection Agency (EPA) to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

(C) Standards for Large Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart C, the following regulations also apply:

1. In addition to the requirements of 40 CFR 273.31, a large quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving large quantity handler operates a universal waste pesticide collection program as defined in paragraph (2)(A)9. of this rule;

2. A large quantity handler of universal waste who manages recalled universal waste pesticides as described in 40 CFR 273.3(a)(1) as modified by 10 CSR 25-16.273(2)(A)3. and who has sent notification to EPA as *[required]* **established** by 40 CFR part 165 is not required to notify EPA for those recalled universal waste pesticides under this section;

3. In addition to the requirements in 40 CFR 273.33, a large

quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:

A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of 40 CFR 262.34; and

B. Ensure that the area in which containers are stored is ventilated;

4. In addition to the requirements in 40 CFR 273.33, a large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:

A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of 40 CFR 262.34;

B. Ensure that the area in which containers are stored is ventilated; and

C. Ensure that employees handling universal waste lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spillage or released material into appropriate containers;

5. In 40 CFR 273.35(a) and (b), the phrase “or received from another handler” is not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler/. *If a large quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section (2) of this rule, the handler shall comply with the accumulation time limits specified in the Department of Natural Resources’ Standard Procedures for Pesticide Collection Programs in Missouri] without a universal waste pesticide collection program;*

6. In 40 CFR 273.35(c)(1) through (c)(6), the phrases “or is received” and “or was received” are not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler/. *If a large quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section (2) of this rule, the handler shall comply with the requirements for marking, labeling, and accumulation time limits that are specified in the Department of Natural Resources’ Standard Procedures for Pesticide Collection Programs in Missouri] without a universal waste pesticide collection program;*

7. In 40 CFR 273.38(a), with respect to pesticide, remove the phrase “another universal waste handler” and replace it with “[a Missouri-certified resource recovery facility,] a universal waste pesticide collection program”;

8. 40 CFR 273.38(d) through (f) are not incorporated in this rule with regards to universal waste pesticides. In lieu of these subsections, the following requirements apply/. *If] to the originating handler if a shipment of universal waste pesticides from a large quantity generator is rejected by the [Missouri-certified resource recovery facility or] destination facility, the [original] originating handler must either—*

A. Receive waste back when notified that the shipment has been rejected; or

B. Send the waste to another *[Missouri-certified resource recovery facility or to a] destination facility which agrees to take the waste;*

9. *(Reserved);*

10. 40 CFR 273.39(c)(1) is not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from receiving

shipments of universal waste pesticides from another handler/. *If a large quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section (2) of this rule, the handler shall comply with the record retention requirements that are specified in the Department of Natural Resources’ Standard Procedures for Pesticide Collection Programs in Missouri] without a universal waste pesticide collection program;*

11. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.40, as incorporated in this rule. The state may not assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

(D) Standards for Universal Waste Transporters.

1. In addition to the requirements set forth in 40 CFR part 273, subpart D, universal waste transporters shall—

A. Comply with all provisions of 10 CSR 25-6.263 if hazardous waste, as defined at 10 CSR 25-4.261 and not managed under the provisions of this rule, is transported in the state of Missouri;

B. Comply with the provisions of 10 CSR 25-6.263(2)(C) following a discharge of universal waste.

2. In addition to the prohibitions in 40 CFR 273.51(a) and (b), a transporter of universal waste pesticides is prohibited from delivering this waste to another universal waste handler except by delivery back to the original handler upon rejection of shipment by the *[Missouri-certified resource recovery facility or] destination facility.*

3. In 40 CFR 273.51(a) add the phrase “into the environment” after the phrase “prohibited from disposing of universal waste.”

(E) Standards for Destination Facilities. In addition to the requirements in 40 CFR part 273 subpart E, the following regulations also apply:

1. A universal waste destination facility that is also a permitted or interim status hazardous waste storage, treatment, or disposal facility must manage all universal wastes in an area which is separate from the permitted area or the waste loses its identity as universal waste and must be managed in compliance with the facility’s permit or interim status[.];

*[2. A universal waste destination facility may be a Missouri-certified resource recovery facility if operating in compliance with the requirements for the universal waste in question and the standards of an R2 resource recovery facility as described in 10 CSR 25-9.020(3)(A)3.]*

(F) *(Reserved)*

(G) In addition to the requirements in 40 CFR 273 subpart G, any person seeking to add a hazardous waste or a category of hazardous waste to this rule shall/—

1. C/comply with those provisions of section 536.041, RSMo, that describe a petition process to adopt, amend, or repeal any rule.

**AUTHORITY:** section 260.370, RSMo [Supp. 2013] 2016. Original rule filed June 1, 1998, effective Jan. 30, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 14, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission

will hold a public hearing on this rule action and others beginning at 10:00 a.m. on September 13, 2018, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. I be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on September 20, 2018. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 60—Safe Drinking Water Commission

#### Chapter 3—Permits

#### PROPOSED AMENDMENT

**10 CSR 60-3.010 Construction Authorization, Final Approval of Construction, Owner-Supervised Program, and Permit to Dispense Water.** The department is amending section (1), removing language from (1)(A)3. and 4., amending (1)(B) and (C), amending (2)(B), removing language from (2)(B)1. and 2., incorporating a document by reference in (2)(B)2., and removing (2)(B)2.A., B., and C., amending (3)(A)2., (3)(A)3. and (3)(B), and creating section (4).

**PURPOSE:** The amendment provides a construction authorization exemption for public water systems for certain routine maintenance and repair; incorporates a document by reference; and clarifies the timeframe for a subdivision to apply for a permit to dispense.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

#### (1) Community Water System and Subdivision Requirements.

(A) Written Construction Authorization. A supplier of water [which operates a community water system] must obtain written authorization from the department prior to construction, alteration, or extension of any community water system **or a water system serving a subdivision**, unless the project will be constructed under the provisions of 10 CSR 60-10.010(2)(C)2., and, for community water systems commencing operation after October 1, 1999, must comply with the requirements of 10 CSR 60-3.020 and 10 CSR 60-3.030] or the project is exempt as specified in 10 CSR 60-3.010(4).

1. Two (2) copies of predesign studies pertaining to the project must be submitted to the department before plans and specifications for new water systems or for significant changes to existing water systems are reviewed for approval.

2. Construction authorization shall be requested by submitting written application and two (2) copies of the plans and specifications, as outlined in 10 CSR 60-10.010(2), for the proposed project to the department for review and approval.

3. Preparation of engineering reports, plans, and specifications [for community water systems] and inspection of construction for the purpose of assuring compliance with drawings and specifications must be done by an engineer as defined by 10 CSR 60-2.015(2)(E)2.

4. A construction authorization shall be valid for a period of two (2) years from the date of authorization **provided construction commences within the two (2) year timeframe.** [If construction is not commenced within two (2) years from the date of authorization, a new construction authorization must be obtained from the department.]

(B) Final Construction Approval. Final construction approval must be obtained from the department for all projects for which [approval is required] **construction authorization was issued**, before that project is placed into service. A supplier of water which operates a community water system need not obtain construction approval for projects constructed under the provisions of 10 CSR 60-10.010(2)(C)2.(B).

(C) Supervised Construction Program. A supplier of water which operates a community water system may establish a supervised construction program as specified in 10 CSR 60-10.010(2)(C)2.(B).

#### (2) Noncommunity Water System Requirements.

(B) Construction Authorization. Each noncommunity supplier of water must notify the department, in advance, of the intent to construct a new or expand an existing water system **unless the project is exempt as specified in 10 CSR 60-3.010(4).**

1. Noncommunity water systems [utilizing surface or ground water under the direct influence of surface water and non-transient noncommunity water systems] must obtain written authorization from the department prior to construction, alteration, or extension of the system [and must comply with 10 CSR 60-3.020 and 10 CSR 60-3.030].

2. [Transient n/Noncommunity water systems utilizing ground-water/—] shall be constructed in accordance with the department's "Standards for Non-Community Public Water Supplies, 1982," document published by the Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176, dated 1982 which is hereby incorporated by reference without any later amendments or additions.

[A. May be required, at the discretion of the department, to submit plans and specifications for approval;

B. Shall be constructed in accordance with the department's "Standards for Non-Community Public Water Supplies, 1982"; and

C. Must file with the department, within sixty (60) days of completion, a record of construction for all new or modified wells on forms provided by the department.]

#### (3) Permits to Dispense Water.

##### (A) Applicability.

1. A water supply meeting all the following conditions is not considered a public water system and as such, is not required to have a permit to dispense if that water supply:

- A. Consists only of distribution and storage facilities;
- B. Obtains all of its water from, but is not owned or operated by a public water system to which the regulations apply;
- C. Does not sell water to any person; and
- D. Is not a carrier which conveys passengers in interstate commerce.

2. Water systems serving subdivisions [as defined in 10 CSR 60-2.015(2)(S)8.] are public water systems **unless each lot or tract is supplied by a private well with no interconnections to a distribution system** and must have a permit to dispense water **when serving the thresholds established for community and noncommunity public water systems.**

3. Community and noncommunity water systems except as exempted in paragraph (3)(A)1. and 2. of this rule must have a permit to dispense water.

(B) Modification or Revocation of a Permit to Dispense. The department may modify or revoke a permit to dispense water, subject to the appeal provisions of section 640.130/115.5/., RSMo, upon a finding that any of the following have occurred:

1. The holder of a permit ceases to function as a public water supply;

2. The holder of a permit fails to correct an operating deficiency or comply with these regulations within a reasonable time after receipt of notice from the department;

3. The department determines that an emergency condition exists in a water supply which endangers, or could be expected to endanger, the health of a person(s) consuming affected water;

4. The public water system changes ownership and the continuing operating authority, as defined in 10 CSR 60-3.020, fails to meet the requirements of 10 CSR 60-3.020; or

5. For community water systems and nontransient noncommunity water systems against which an administrative order has been issued for significant noncompliance with the federal or state drinking water law or regulations, the water system fails to show that a permanent organization exists that serves as the continuing operating authority and that the continuing operating authority has the necessary technical, managerial, and financial capability for the management, operation, replacement, maintenance, and modernization of the public water system, or the water system is not making substantial progress toward compliance. The continuing operating authority may reapply for a permit to dispense when the compliance issues are resolved.

#### **(4) Construction Authorization Exemptions.**

**(A) The following types of projects are exempt from obtaining construction authorization prior to construction:**

**1. Repair of water main leaks and breaks with the same size and type of pipe;**

**2. Replacement of a well pump of the same type, horsepower, pump rate, and elevation;**

**3. Replacement of a bladder tank with a storage capacity of less than one hundred twenty (120) gallons with the same size bladder tank;**

**4. Painting of a storage tank with paint approved by the National Sanitation Foundation/American National Standards Institute (NSF/ANSI);**

**5. Internal plumbing and piping replacement within a water system treatment facility;**

**6. Replacement of a fire hydrant with a hydrant of the same size, type, and flow rate; and/or**

**7. Subdivisions where each lot or tract is supplied by a private well with no interconnections to a distribution system.**

*AUTHORITY: sections 640.100 and 640.115, RSMo [Supp. 1998] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 60—Safe Drinking Water Commission**

#### **Chapter 3—Permits**

#### **PROPOSED AMENDMENT**

**10 CSR 60-3.020 Continuing Operating Authority.** The department is amending (4)(A)2. and 3., amending (4)(B) and (4)(B)1., and correcting a citation in (6)(A)3.C.III.

*PURPOSE: Evaluate proposed amendments in response to Executive Order 17-03, correct regulation citations, and corrects the term "operation."*

#### **(4) Permit Review Upon Change in Ownership.**

(A) Prior to a change of continuing operating authority, the current continuing operating authority shall notify the department of the pending change at least ninety (90) calendar days prior to ownership transfer. The department will perform a permit review within forty-five (45) calendar days of notice of the ownership transfer to assess the following:

1. The proposed continuing operating authority meets the continuing operating authority requirements of this rule;

2. The public water system is in compliance with applicable maximum contaminant levels and monitoring requirements of [10 CSR 60-4.010 through 10 CSR 60-4.110] **10 CSR 60-4**; and

3. The public water system is in compliance with the minimum positive pressure requirement of 10 CSR 60-4.080/(9)/(8).

(B) The permit to dispense water shall continue in effect until the department takes an action to issue a permit to the proposed new continuing operating authority [under subparagraphs (3)(C) 2.A. or B. of this rule] or to deny the permit to the proposed new continuing operating authority [under subparagraph (3)(C)2.C. of this rule.] based on the following criteria:

1. If the review shows that the proposed continuing operating authority and public water system meet all requirements in subsection (4)(A), the department will issue a new permit to dispense when ownership transfer is complete showing the new owner as the continuing [operation] operating authority responsible for the management, operation, replacement, maintenance, and modernization of the public water system in compliance with the Missouri Safe Drinking Water Law and rules./;

2. If the review shows the new continuing operating authority meets the requirement in paragraph (4)(A)1., but the public water system does not meet the requirements in paragraphs (4)(A)2. and 3., the department will negotiate an agreement with the proposed continuing operating authority for achieving compliance with these requirements. Upon completion of the agreement and when ownership transfer is complete, the department will issue a new permit to dispense water to the new continuing operating authority./; and

3. If the review shows the proposed continuing operating authority does not meet the requirement in paragraph (4)(A)1., the permit to dispense water will be denied.

#### **(6) Continuing Operating Authorities.**

(A) Continuing operating authorities to whom the department will issue written construction authorizations under section (3) of this rule and permits to dispense water are listed here in preferential order. An applicant proposing a facility within the legal boundaries of an existing higher preference continuing operating authority may utilize a lower preference continuing operating authority by submitting, as part of the application, documentation that water service is not available from each existing higher preference continuing operating authority, or a statement from each existing higher preference continuing operating authority waiving its preferential status.

1. Municipality, public water supply district, and water system regulated by the Missouri Public Service Commission (PSC). (Note: Written construction authorizations and permits to dispense water

will not be issued to a continuing operating authority regulated by the PSC until the continuing operating authority has obtained a certificate of convenience and necessity from the PSC.)

2. Any person showing complete control over and responsibility for the public water system and all property served by it.

3. Any incorporated association of property owners served by a public water system provided that—

A. The incorporated association owns the facility and has authority to lay all necessary water lines;

B. All property owners within the boundaries of the association have adopted covenants covering the land of each property owner, which assure connection to the system when it is available and compliance with the bylaws and rules of the association;

C. The bylaws of the association, or other appropriate documents, provide for the proper management, operation, replacement, maintenance, and modernization of the facility including at a minimum:

(I) The power to regulate the use of the facility;

(II) The power to levy assessments on its members and enforce these assessments on each owner; and

(III) The power to convey the facility to one (1) of the continuing operating authorities listed in subsection [(5)(A)] (6)(A) of this rule;

D. The documents establishing the continuing operating authority and the covenants called for in subparagraph (6)(A)3.B. of this rule shall be properly recorded with the recorder of deeds in the county or counties where the land within the boundaries of the association lies and a certified copy of the recorded document shall be provided to the department. Additionally, a current title search certified by a title insurance company authorized to do business in Missouri showing the owners of record of all real estate within the boundaries of the association and all lienholders must be provided to the department; all lienholders must subordinate their interest to the covenants; and

E. The association is incorporated as a corporation under the laws of the state of Missouri and a current Certificate of Good Standing from the Missouri secretary of state and a certified copy of the Articles of Incorporation are provided to the department.

**AUTHORITY:** sections 640.100 and 640.115, RSMo [Supp. 1998] 2016 Emergency rule filed Sept. 20, 1999, effective Sept. 30, 1999, expired March 27, 2000. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed June 13, 2018

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 60—Safe Drinking Water Commission

#### Chapter 3—Permits

### PROPOSED AMENDMENT

#### 10 CSR 60-3.030 Technical, Managerial, and Financial Capacity.

The department is amending the purpose statement, removing (2)(D), amending (3)(A)2. and 3., amending (3)(B)1., and removing (4).

**PURPOSE:** Proposed amendments to this rule were identified during the Red Tape Reduction rule review as duplicative language or over burdensome to the regulated community, the purpose statement is also being amended to remove a reference to the recommendations in the regulation.

**PURPOSE:** This rule establishes minimum technical, managerial, and financial capacity requirements for community and nontransient noncommunity water systems commencing operation after October 1, 1999. [The rule also includes technical and financial capacity recommendations.]

#### (2) General Requirements.

[(D) Community and nontransient noncommunity water systems subject to this rule shall consider and plan for the potential impact of future regulations on their technical, managerial and financial capacity.]

#### (3) Minimum Technical, Managerial, and Financial Capacity Requirements.

##### (A) Minimum Technical Capacity Requirements.

1. All community water systems subject to this rule must conform to [the department's "Standards for Community Public Water Supplies."] **construction requirements in 10 CSR 60-10.010.**

2. All nontransient noncommunity water systems subject to this rule must conform to [the department's "Standards for Non-Community Public Water Supplies."] **construction requirements in 10 CSR 60-3.010(2).**

3. All public water systems subject to this rule shall have a sufficient number of operators certified **and equipped** as required in 10 CSR 60-14 to provide proper operation and maintenance of all source, treatment, storage, and distribution facilities so that the public water system meets all requirements of sections 640.100-640.140, RSMo and regulations promulgated thereunder. [These operators shall be properly trained and be provided all equipment needed, including safety equipment, to perform all tasks in their job duties.]

4. All public water systems subject to this rule shall have and maintain an updated distribution system map showing, at a minimum, the size and location of all waterlines, valves, hydrants, storage facilities, pumping facilities, treatment facilities, and water sources and shall make the map available to the department on request.

##### (B) Minimum Managerial Capacity Requirements.

[1. Community and nontransient noncommunity water systems subject to this rule shall have an organization chart that shows every position that provides any drinking water function with the position title, name, business address, and telephone number of the person filling that position. This chart shall show clear lines of authority and supervision. Elected officials and managers that have overall jurisdiction shall also be shown on this chart. The chart shall state the name(s) of the persons or legal entity who own the public water system along with the business address and telephone number of the owner(s). This chart shall be publicly displayed and shall be updated within thirty (30) calendar days of any changes. An updated copy of the organization chart shall be made available to the department.]

1. Community and nontransient noncommunity water systems subject to this rule shall maintain a list that shows position titles, names, business addresses, and telephone numbers of individuals that provide drinking water functions, including the person(s) or legal entity who owns the public water system. An updated copy of the list shall be made available to the department.



2. Community and nontransient noncommunity water systems subject to this rule shall designate a person or persons who will receive customer complaints and shall have a written procedure for receiving, investigating, resolving, and recording customer complaints. The name, title, business address, business telephone number, and office hours of the person(s) designated to receive complaints shall be publicly displayed, along with the written complaint procedure. Complaint records shall be kept for a minimum of five (5) years and shall be made available to the department upon request. Results of investigations shall be used as part of the planning process for future improvements.

3. Community and nontransient noncommunity water systems subject to this rule shall have a written rate structure and service fees, and the rate structure and service fees shall be publicly displayed and shall be made available to the department upon request.

4. Community and nontransient noncommunity water systems subject to this rule shall hold at least one (1) public meeting prior to changing the rate structure or service fees and shall notify the customers in advance of the public meeting by posting notice in the principal business office and providing notice in the area served, unless the rate increase procedure is regulated by other state or federal regulations. Records of customers' notice and summary of the public meeting shall be kept for a minimum of five (5) years and shall be made available to the department upon request.

5. Community and nontransient noncommunity water systems subject to this rule shall designate a person to deal with compliance-related issues in accordance with the public drinking water regulations in 10 CSR 60, including reporting and public notice requirements. This person shall be trained in public drinking water regulation requirements and shall act as liaison with the department on drinking water issues. The department will refer compliance actions to this person. The name, position title, business address, business telephone number, and office hours for this person shall be made available to the department and the department shall be notified within thirty (30) calendar days of any change.

*[(4) Recommendations. This section includes recommendations for further enhancing managerial and financial capacity. These recommendations will not be used to determine if minimum regulatory requirements are met for issuance of permits to dispense water.]*

*(A) Managerial capacity recommendations include the following:*

*1. All public water systems should designate a person to be liaison with other public water systems and officials of entities that may impact drinking water systems. This person should be trained in water resource planning and general public drinking water system issues; and*

*2. All public water systems should have management with sufficient expertise to ensure that all public drinking water facilities are properly operated, maintained and in compliance with department regulations; improvements needed for future population and commercial growth are properly planned and that these plans are financed and executed; all personnel providing drinking water functions continue to be trained to achieve professional expertise in their field; the personnel are organized and motivated to provide good customer service, good interaction with the department and other regulatory agencies, good interaction with other regional water systems and water users including participating in long-term strategic planning for management of regional water resources; and that the supply finances are fiscally sound.*

*(B) Financial capacity recommendations include the following:*

*1. Revenues from drinking water sales should cover all public water system costs for the system including operating costs, maintenance costs, debt service costs, operating*

*reserves, debt reserves, emergency equipment replacement reserves, and revenue collection costs. Capital improvement funding for facilities needed for upgrading the existing system should come from revenue from water sales or other sources of capital. Rates should be set accordingly;*

*2. New connection fees, development fees, and other funding sources should cover all public water supply capital improvements costs for facilities needed for expanding the system for new customers. Fees should be set accordingly; and*

*3. All drinking water generated revenues should be used for drinking water purposes. For public water systems owned by entities that provide other services in addition to drinking water, drinking water purposes should include equitable share of administrative costs for the entire entity.]*

*AUTHORITY: sections 640.100 and 640.115, RSMo [Supp. 1998] 2016. Emergency rule filed Sept. 20, 1999, effective Sept. 30, 1999, expired March 27, 2000. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed June 13, 2018*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 4—Contaminant Levels and Monitoring**

### **PROPOSED AMENDMENT**

**10 CSR 60-4.022 Revised Total Coliform Rule.** The department is removing language from the purpose statement, deleting language in (1)(C), with renumbering thereafter, amending sections (3), (4), (5), (6), (7), (8), (10), and (11).

*PURPOSE: The amendment will remove sunset language due to the rescission of 10 CSR 60-4.020, amend the purpose, and correct a citation related to 10 CSR 60-7.010.*

*PURPOSE: The rule establishes sampling and monitoring requirements for public water systems. The rule also establishes a maximum contaminant level (MCL) for E. coli and uses E. coli and total coliforms to initiate a "find and fix" approach to address fecal contamination that could enter into the distribution system. It requires public water systems to perform assessments to identify sanitary defects and subsequently take corrective action to correct them. The rule sets monitoring and treatment technique requirements for seasonal systems. [At the beginning of each operating period, before serving water to the public, seasonal systems meeting criteria must conduct state-approved start-up procedures and certify completion of start-up procedures.] The rule is based on the requirements in the federal Revised Total Coliform Rule found in subpart Y of 40 CFR part 141.*

(1) General Requirements and Applicability.

*[(C) Compliance date. Systems must comply with the provisions of this rule beginning April 1, 2016, unless otherwise specified in this rule].*

*[(D)](C)* Violations of national primary drinking water regulations. Failure to comply with the applicable requirements of this rule, including requirements established by the department pursuant to these provisions, is a violation of the National Primary Drinking Water Regulations.

(3) General monitoring requirements for all public water systems.

(A) Sample siting plans.

1. Systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system *[no later than March 31, 2016]*. These plans are subject to department review and revision. Systems must collect total coliform samples according to the written sample siting plan. Monitoring required by sections (4)–(8) of this rule may take place at a customer's premise, dedicated sampling station, or other designated compliance sampling location. Routine and repeat sample sites and any sampling points necessary to meet the requirements of 10 CSR 60-4.025 must be reflected in the sampling plan.

2. The minimum monitoring frequency for total coliforms is based on the population served by the system as defined in the chart in section (7) of this rule except that systems using surface water or ground water under the direct influence of surface water or systems practicing iron removal or lime softening must collect at least five (5) samples per month. Unless the department approves or specifies in writing of a lesser frequency based on population and system type as defined in sections (4)–(7) of this rule, systems must monitor each calendar month that the system provides water to the public **and determine compliance with the MCL in subsection (10)(A) of this rule for each month in which it is required to monitor**. Systems must collect samples at regular time intervals throughout the month, except that systems that use only ground water and serve four thousand nine hundred (4,900) or fewer people may collect all required samples on a single day if they are taken from different sites.

3. Systems must take at least the minimum number of required samples even if the system has had an *E. coli* maximum contaminant level (MCL) violation or has exceeded the coliform treatment technique triggers in subsection (9)(A) of this rule.

4. A system may conduct more compliance monitoring than is required by this rule to investigate potential problems in the distribution system and use monitoring as a tool to assist in uncovering problems. A system may take more than the minimum number of required routine samples and must include the results in calculating whether the coliform treatment technique trigger in subparagraphs (9)(A)1.A.–B. of this rule has been exceeded only if the samples are taken in accordance with the existing sample siting plan and are representative of water throughout the distribution system.

5. Systems must identify repeat monitoring locations in the sample siting plan. Unless the provisions of subparagraphs (3)(A)5.A. or B. of this rule are met, the system must collect at least one (1) repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one (1) repeat sample at a tap within five (5) service connections upstream and at least one (1) repeat sample at a tap within five (5) service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one (1) service connection away from the end of the distribution system, the system must still take all required repeat samples. However, the department may allow an alternative sampling location instead of the requirement to collect at least one (1) repeat sample upstream or downstream of the original sampling site. Except as provided for in subparagraph (3)(A)5.B. of this rule, systems required to conduct triggered source water monitoring under 10 CSR 60-4.025(3)(A) must take ground water source sample(s) in addition to repeat samples required under

this rule.

A. Systems may propose repeat monitoring locations to the department that the system believes to be representative of a pathway for contamination of the distribution system. A system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan. The system must design its SOP to focus the repeat samples at locations that best verify and determine the extent of potential contamination of the distribution system area based on specific situations. The department may modify the SOP or require alternative monitoring locations as needed.

B. Ground water systems serving one thousand (1,000) or fewer people may propose repeat sampling locations to the department that differentiate potential source water and distribution system contamination (e.g., by sampling at entry points to the distribution system). A ground water system with a single well required to conduct triggered source water monitoring may, with written department approval, take one (1) of its repeat samples at the monitoring location required for triggered source water monitoring under 10 CSR 60-4.025(3)(A) if the system demonstrates to the department's satisfaction that the sample siting plan remains representative of water quality in the distribution system. If approved by the department, the system may use that sample result to meet the monitoring requirements in both 10 CSR 60-4.025(3)(A) and this section.

(I) If a repeat sample taken at the monitoring location required for triggered source water monitoring is *E. coli*-positive, the system has violated the *E. coli* MCL and must also comply with 10 CSR 60-4.025(3)(A)3. If a system takes more than one (1) repeat sample at the monitoring location required for triggered source water monitoring, the system may reduce the number of additional source water samples required under 10 CSR 60-4.025(3)(A)3. by the number of repeat samples taken at that location that were not *E. coli*-positive.

(II) If a system takes more than one (1) repeat sample at the monitoring location required for triggered source water monitoring under 10 CSR 60-4.025(3)(A) and more than one (1) repeat sample is *E. coli*-positive, the system has violated the *E. coli* MCL and must also comply with 10 CSR 60-4.025(4)(A)1.

(III) If all repeat samples taken at the monitoring location required for triggered source water monitoring are *E. coli*-negative and a repeat sample taken at a monitoring location other than the one required for triggered source water monitoring is *E. coli*-positive, the system has violated the *E. coli* MCL, but is not required to comply with 10 CSR 60-4.025(3)(A)3.

6. The department may review, revise, and approve, as appropriate, repeat sampling proposed by systems under subparagraphs (3)(A)5.A.–B. of this rule. The system must demonstrate that the sample siting plan remains representative of the water quality in the distribution system. The department may determine that monitoring at the entry point to the distribution system (especially for undisinfected ground water systems) is effective to differentiate between potential source water and distribution system problems.

(4) Routine monitoring requirements for non-/community water systems serving one thousand (1,000) or fewer people using only ground water.

(A) General monitoring requirements.

1. The provisions of this section apply to non-/community water systems using only ground water (except ground water under the direct influence of surface water, as defined in 10 CSR 60-2.015) and serving one thousand (1,000) or fewer people.

2. Following any total coliform-positive sample taken under the provisions of this section, systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in section (8) of this rule.

3. Once all monitoring required by this section and section (8) of this rule for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified

in section (9) of this rule have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by section (9) of this rule.

4. For the purpose of determining eligibility for remaining on or qualifying for quarterly monitoring under the provisions of paragraphs (4)(F)4. and (4)(G)2., respectively, of this rule for transient non/-community water systems, the department may elect to not count monitoring violations under paragraph (10)(C)1. of this rule if the missed sample is collected no later than the end of the monitoring period following the monitoring period in which the sample was missed. The system must collect the make-up sample in a different week than the routine sample for that monitoring period and should collect the sample as soon as possible during the monitoring period. The department may not use this provision under subsection (H) of this section. This authority does not affect the provisions of paragraph (10)(C)1. of this rule and 10 CSR 60-7.010/(12)/(11)(D).

(B) Monitoring frequency for total coliforms. Unless the department approves of a lesser frequency in writing **and the system meets criteria provided under subsections (4)(C) through (4)(H) and (4)(J) of this rule**, the minimum monitoring frequency for total coliforms is one (1) sample per month except that systems practicing iron removal or lime softening must collect at least five (5) routine samples per month. In addition, the department may require a greater frequency if necessary. Seasonal systems must meet the monitoring requirements of subsection (4)(I) of this rule. *[With written department approval, systems must monitor each calendar quarter that the system provides water to the public, except for seasonal systems or as provided under subsections (4)(C)-(H) and (4)(J) of this rule.]*

(C) Transition to the Revised Total Coliform Rule.

*[1. Systems, including seasonal systems, must continue to monitor according to the total coliform monitoring schedules under 10 CSR 60-4.020 that were in effect on March 31, 2016, unless any of the conditions for increased monitoring in subsection (4)(F) of this rule are triggered on or after April 1, 2016, or unless otherwise directed by the department.]*

*[2. Beginning April 1, 2016, t/The department will perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the department has performed the special monitoring evaluation during each sanitary survey, the department may modify the system's monitoring schedule, as necessary, or it may allow the system to stay on its existing monitoring schedule, consistent with the provisions of this section (4). The department may not allow systems to begin less frequent monitoring under the special monitoring evaluation unless the system has already met the applicable criteria for less frequent monitoring in this section. For seasonal systems on quarterly or annual monitoring, this evaluation must include review of the approved sample siting plan, which must designate the time period(s) for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). The seasonal system must collect compliance samples during these time periods.]*

(D) Annual site visits. *[Beginning no later than calendar year 2017, s/Systems on annual monitoring, including seasonal systems, must have an initial and recurring annual site visit by the department that is equivalent to a Level 2 assessment or an annual voluntary Level 2 assessment that meets the criteria in subsection (9)(B) to remain on annual monitoring. The periodic required sanitary survey may be used to meet the requirement for an annual site visit for the year in which the sanitary survey was completed.]*

(E) Criteria for annual monitoring. *[Beginning April 1, 2016, t/The department may reduce the monitoring frequency for a well-operated ground water system from quarterly routine monitoring to no less than annual monitoring, if the system demonstrates that it meets the criteria for reduced monitoring in paragraphs (4)(E)1.-3.]*

of this rule, except for a system that has been on increased monitoring under the provisions of subsection (4)(F) of this rule. A system on increased monitoring under subsection (4)(F) of this rule must meet the provisions of subsection (4)(G) of this rule to go to quarterly monitoring and must meet the provisions of subsection (4)(H) of this rule to go to annual monitoring.

1. The system has a clean compliance history for a minimum of twelve (12) months/;.

2. The most recent sanitary survey shows that the system is free of sanitary defects or has corrected all identified sanitary defects, has a protected water source, and meets approved construction standards/; and/.

3. The department has conducted an annual site visit within the last twelve (12) months, and the system has corrected all identified sanitary defects. The system may substitute a Level 2 assessment that meets the criteria in subsection (9)(B) of this rule for the department annual site visit.

(I) Seasonal systems.

1. *[Beginning April 1, 2016, a/All seasonal systems must demonstrate completion of a department-approved start-up procedure, which may include a requirement for startup sampling prior to serving water to the public.]*

2. A seasonal system must monitor every month that it is in operation unless it meets the criteria in subparagraphs (4)(I)2.A.-C. of this rule to be eligible for monitoring less frequently than monthly *[beginning April 1, 2016]*, except as provided under subsection (4)(C) of this rule.

A. Seasonal systems monitoring less frequently than monthly must have an approved sample siting plan that designates the time period for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). Seasonal systems must collect compliance samples during this time period.

B. To be eligible for quarterly monitoring, the system must meet the criteria in subsection (4)(G) of this section.

C. To be eligible for annual monitoring, the system must meet the criteria under subsection (4)(H) of this rule.

3. The department may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating, except that systems that monitor less frequently than monthly must still monitor during the vulnerable period designated by the department.

(5) Routine monitoring requirements for community water systems serving one thousand (1,000) or fewer people using only ground water.

(C) Transition to the Revised Total Coliform Rule.

1. **Unless any of the conditions in subsection (5)(E) of this rule are triggered, or unless otherwise directed by the department, [A/all systems must continue to monitor according to the total coliform monitoring schedules under 10 CSR 60-4.020 that were in effect on March 31, 2016, unless any of the conditions in subsection (5)(E) of this rule are triggered on or after April 1, 2016, or unless otherwise directed by the department.] the Environmental Protection Agency's Code of Federal Regulations, 40 CFR 141.21, published February 13, 2013. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the U.S. Government Printing Office at 732 North Capitol Street NW, Washington, D.C., 20401, toll free at (866)512-1800 or by visiting <https://bookstore.gpo.gov>.**

2. *[Beginning April 1, 2016, t/The department must perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the department has performed the special monitoring evaluation during each sanitary survey, the department may modify the system's monitoring schedule, as necessary, or it may allow the system*

to stay on its existing monitoring schedule, consistent with the provisions of this section. The department may not allow systems to begin less frequent monitoring under the special monitoring evaluation unless the system has already met the applicable criteria for less frequent monitoring in this section.

(6) Routine monitoring requirements for surface water and ground water under the direct influence of surface water public water systems serving one thousand (1,000) or fewer people.

(A) General Routine Monitoring.

1. This section (6) applies to surface water and ground water under the direct influence of surface water systems serving one thousand (1,000) or fewer people.

2. Following any total coliform-positive sample taken under the provisions of this section (6), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in section (8) of this rule.

3. Once all monitoring required by this section (6) and section (8) of this rule for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in section (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by section (9) of this rule.

4. Seasonal systems.

A. *[Beginning April 1, 2016, a]*All seasonal systems must demonstrate completion of a department-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

B. The department may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(7) Routine monitoring requirements for public water systems serving more than one thousand (1,000) people.

(A) General Routine Monitoring.

1. The provisions of this section apply to public water systems serving more than one thousand (1,000) people.

2. Following any total coliform-positive sample taken under the provisions of this section, systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in section (8) of this rule.

3. Once all monitoring required by this section and section (8) of this rule for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in section (9) of this rule have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by section (9) of this rule.

4. Seasonal systems.

A. *[Beginning April 1, 2016, a]*All seasonal systems must demonstrate completion of a department-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

B. The department may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(C) Reduced monitoring. Systems may not reduce monitoring, except for non/-community water systems using only ground water (and not ground water under the direct influence of surface water) serving one thousand (1,000) or fewer people in some months and more than one thousand (1,000) people in other months. In months when more than one thousand (1,000) people are served, the systems must monitor at the frequency specified in subsection (7)(B) of this rule. In months when one thousand (1,000) or fewer people are served, the department may reduce the monitoring frequency, in writing, to a frequency allowed under section (4) of this rule for a similarly situated system that always serves one thousand (1,000) or

fewer people, taking into account the provisions in subsection *[(7)](4)(E)–(G)* of this rule.

(8) Repeat monitoring and *E. coli* requirements.

(B) *Escherichia coli* (*E. coli*) testing.

1. If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if *E. coli* are present. If *E. coli* are present, the system must notify the department by the end of the day when the system is notified of the test result, unless the system is notified of the result after the department office is closed and the department does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the department before the end of the next business day.

2. The department has the discretion to allow a system, on a case-by-case basis, to forgo *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is *E. coli*-positive. Accordingly, the system must notify the department as specified in paragraph (8)(B)1. of this rule and the provisions of *[10 CSR 60-4.020(7)(C) apply.] the Environmental Protection Agency's Code of Federal Regulations, 40 CFR 141.63(c), published February 13, 2013. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the U.S. Government Printing Office at 732 North Capitol Street NW, Washington, D.C., 20401, toll free at (866)512-1800 or by visiting <https://bookstore.gpo.gov>.*

(10) Violations.

(A) *E. coli* Maximum Contaminant Level (MCL) Violation. A system is in violation of the MCL for *E. coli* when any of the conditions identified in paragraphs (10)(A)1.-4. of this rule occur. **For purposes of the public notification requirements in 10 CSR 60-8.010, violation of the MCL for *E. coli* may pose an acute risk to health.**

1. The system has an *E. coli*-positive repeat sample following a total coliform-positive routine sample.

2. The system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample.

3. The system fails to take all required repeat samples following an *E. coli*-positive routine sample.

4. The system fails to test for *E. coli* when any repeat sample tests positive for total coliform.

(11) Reporting Requirements. Reporting requirements are in section *[(12)] (11)* of 10 CSR 60-7.010 Reporting Requirements.

*AUTHORITY: section 640.100, RSMo [Supp. 2014] 2016. Original rule filed Aug. 12, 2015, effective March 30, 2016. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 4—Contaminant Levels and Monitoring**

**PROPOSED AMENDMENT**

**10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements.** The department is removing sunset language in this rule with renumbering thereafter, incorporating a document by reference in (3)(C)2., and citations to other chapters have been amended due to concurrent rule changes.

*PURPOSE: This amendment removes sunset language due to the rescission of 10 CSR 60-4.020 Total Coliform Rule and updates citations to other regulations due to concurrent rulemaking amendments.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

**(3) Ground Water Source Microbial Monitoring.**

**(A) Triggered Source Water Monitoring.**

1. General requirements. A ground water system must conduct triggered source water monitoring if the following conditions exist:

A. The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a state-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and *[either]*

*[B. The system is notified that a sample collected under 10 CSR 60-4.020(1) is total coliform-positive and the sample is not invalidated under 10 CSR 60-4.020(3) until March 31, 2016; or]*

*[C./B. The system is notified that a sample collected under 10 CSR 60-4.022(4)-(7) is total coliform-positive and the sample is not invalidated under 10 CSR 60-4.022(3)(C), beginning April 1, 2016].*

2. Sampling requirements. A ground water system must collect, within twenty-four (24) hours of notification of the total coliform-positive sample, at least one (1) ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under *[10 CSR 60-4.020(1), until March 31, 2016, or collected under] 10 CSR 60-4.022(4)-(7) [beginning April 1, 2016,]* except as provided in subparagraph (3)(A)2.B. of this rule.

A. The department may extend the twenty-four (24) hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within twenty-four (24) hours due to circumstances beyond its control. In the case of an extension, the department will specify how much time the system has to collect the sample.

B. If approved by the department, systems with more than one (1) ground water source may meet the requirements of this subparagraph by sampling a representative ground water source or sources. If directed by the department, systems must submit for department approval a triggered source water monitoring plan that identifies one (1) or more ground water sources that are representative of each monitoring site in the system's sample siting plan under *[10 CSR 60-4.020(1) until March 31, 2016, or under] 10 CSR 60-4.022(3) [beginning April 1, 2016,]* and that the system intends to use for representative sampling for triggered source water monitoring.

*[C. Until March 31, 2016, a ground water system serving one thousand (1,000) people or fewer may use a*

*repeat sample collected from a ground water source to meet both the requirements of 10 CSR 60-4.020(2) and to satisfy the monitoring requirements of this section (3) for that ground water source only if the department approves the use of E. coli as a fecal indicator for source water monitoring under this subsection (3)(A). If the repeat sample collected from the ground water source is E. coli positive, the system must comply with the additional requirements in paragraph (3)(A)3. of this rule.]*

*[D./C. [Beginning April 1, 2016, a]A ground water system serving one thousand (1,000) or fewer people may use a repeat sample collected from a ground water source to meet both the requirements of 10 CSR 60-4.022 and to satisfy the monitoring requirements of paragraph (3)(A)2. of this rule for that ground water source only if the department approves the use of E. coli as a fecal indicator for source water monitoring under this subsection (3)(A) and approves the use of a single sample for meeting both the triggered source water monitoring requirements in this subsection (3)(A) and the repeat monitoring requirements in 10 CSR 60-4.022(8). If the repeat sample collected from the ground water source is E. coli positive, the system must comply with paragraph (3)(A)3. of this rule.*

3. Additional requirements. If the department does not require corrective action under paragraph (4)(A)2. of this rule for a fecal indicator-positive source water sample collected under paragraph (3)(A)2. of this rule that is not invalidated under subsection (3)(D) of this rule, the system must collect five (5) additional source water samples from the same source within twenty-four (24) hours of being notified of the fecal indicator-positive sample.

4. Consecutive systems. In addition to the other requirements of this subsection (3)(A), a consecutive ground water system that has a total coliform-positive sample collected under *[10 CSR 60-4.020(1) until March 31, 2016, or under] 10 CSR 60-4.022(4)-(7) [beginning April 1, 2016,]* must notify the wholesale system(s) within twenty-four (24) hours of being notified of the total coliform-positive sample.

5. Wholesale systems. In addition to the other requirements of this subsection (3)(A), a wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under *[10 CSR 60-4.020(1) until March 31, 2016, or collected under] 10 CSR 60-4.022(4)-(7) [beginning April 1, 2016,]* is total coliform-positive must, within twenty-four (24) hours of being notified, collect a sample from its ground water source(s) under paragraph (3)(A)2. of this rule and analyze it for a fecal indicator under subsection (3)(C) of this rule. If this sample is fecal indicator-positive, the system must notify all consecutive systems served by that ground water source of the fecal indicator source water positive within twenty-four (24) hours of being notified of the monitoring result and must meet the requirements of paragraph (3)(A)3. of this rule.

6. Exceptions to triggered source water monitoring requirements. A ground water system is not required to comply with the source water monitoring requirements of this subsection (3)(A) if either of the following conditions exists:

A. The department determines, and documents in writing, that the total coliform-positive sample collected under *[10 CSR 60-4.020(1) until March 31, 2016, or under] 10 CSR 60-4.022(4)-(7) [beginning April 1, 2016,]* is caused by a distribution system deficiency; or

B. The total coliform-positive sample collected under *[10 CSR 60-4.020(1) until March 31, 2016, or under] 10 CSR 60-4.022(4)-(7) [beginning April 1, 2016,]* is collected at a location that meets department criteria for distribution system conditions that will cause total coliform-positive samples.

**(C) Analytical Methods.**

1. A ground water system subject to the source water monitoring requirements of subsection (3)(A) of this rule must collect a standard sample volume of at least one hundred milliliters (100 mL) for

fecal indicator analysis regardless of the fecal indicator or analytical method used.

2. A ground water system must analyze all ground water source samples collected under subsection (3)(A) of this rule using one (1) of the analytical methods listed in the **Environmental Protection Agency's Code of Federal Regulations**, 40 CFR 141.402, published February 13, 2013. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the U.S. Government Printing Office at 732 North Capitol Street NW, Washington D.C., 20401, toll free at (866)512-1800 or by visiting <https://bookstore.gpo.gov>.

(4) Treatment Technique Requirements.

(A) Ground Water Systems with Significant Deficiencies or Source Water Fecal Contamination.

1. The treatment technique requirements of this rule must be met by ground water systems when a significant deficiency is identified or when a ground water source sample collected under paragraph (3)(A)3. of this rule is fecal indicator-positive.

2. If directed by the department, a ground water system with a ground water source sample collected under paragraph (3)(A)3., paragraph (3)(A)4., or subsection (3)(B) that is fecal indicator-positive must comply with the treatment technique requirements of this section (4).

3. When a significant deficiency is identified at a public water system that uses both ground water and surface water or ground water under the direct influence of surface water, the system must comply with provisions of this subsection (4)(A) except in cases where the department determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or ground water under the direct influence of surface water.

4. Unless the department directs the ground water system to implement a specific corrective action, the ground water system must consult with the department regarding the appropriate corrective action within thirty (30) days of receiving written notice from the department of a significant deficiency, written notice from a laboratory that a ground water source sample collected under paragraph (3)(A)3. of this rule was found to be fecal indicator-positive, or direction from the department that a fecal indicator-positive sample collected under paragraph (3)(A)2., paragraph (3)(A)4., or subsection (3)(B) of this rule requires corrective action. For the purposes of this rule, significant deficiencies include but are not limited to defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the department determines are causing, or have potential for causing, the introduction of contamination into the water delivered to consumers. Such significant deficiencies may include, but may not be limited to, the following:

A. For the source, any improperly constructed, sealed, or inadequately screened opening in the well head;

B. For treatment—

(I) Failure to perform and record the results of sufficient analyses to maintain control of treatment process or water quality;

(II) Systems required to provide 4-log virus inactivation or removal that do not meet disinfection concentration and detention time requirements; or

(III) Systems that are required to disinfect that do not have standby redundant disinfection facilities;

C. For distribution systems—

(I) The existence of a known unprotected cross-connection;

(II) Widespread or persistent low pressure events as defined in 10 CSR 60-4.080/(9)/(8);

(III) Submerged automatic air release valves or uncapped manual air release valves; or

(IV) Failure to properly disinfect new or newly-repaired water mains;

D. For finished water storage—

(I) The existence of any unprotected, inadequately protect-

ed, or improperly constructed opening in a storage facility; or

(II) Evidence that the water in the storage facility has been contaminated (for example, feathers or nesting materials in an overflow pipe or positive bacteria samples);

E. For pumps or pump facilities and controls, repeated or persistent low pressures caused by pump or pump control problems or inadequate pump capacity;

F. For monitoring, reporting, or data verification—

(I) Falsification of monitoring or reporting records; or

(II) Failure to maintain system records required under 10 CSR 60-9.010;

G. For water system management or operations, failure to address significant deficiencies listed in the most recent inspection or sanitary survey report; and

H. For operator compliance—

(I) Lack of properly certified chief operator in responsible charge of the treatment facility as required under 10 CSR 60-14.010(4); or

(II) Lack of properly certified chief operator in responsible charge of the distribution facility as required under 10 CSR 60-14.010(4).

5. Within one hundred twenty (120) days (or earlier if directed by the department) of receiving written notification from the department of a significant deficiency, written notice from a laboratory that a ground water source sample collected under paragraph (3)(A)3. of this rule was found to be fecal indicator-positive, or direction from the department that a fecal indicator-positive sample collected under paragraph (3)(A)2., paragraph (3)(A)4., or subsection (3)(B) of this rule requires corrective action, the ground water system must either—

A. Have completed corrective action in accordance with applicable department plan review processes or other department guidance or direction, if any, including department-specified interim measures; or

B. Be in compliance with a department-approved corrective action plan and schedule subject to the following conditions:

(I) Any subsequent modifications to a department-approved corrective action plan and schedule must be approved by the department; and

(II) If the department specifies interim measures for protection of the public health pending department approval of the corrective action plan and schedule or pending completion of the corrective action plan, the system must comply with these interim measures as well as with any schedule specified by the department.

6. Corrective action alternatives. Ground water systems that meet the conditions of paragraph (4)(A)1. or (4)(A)2. of this rule must implement one (1) or more of the following corrective action alternatives under the direction and approval of the department:

A. Correct all significant deficiencies;

B. Provide an alternate source of water;

C. Eliminate the source of contamination; or

D. Provide treatment that reliably achieves at least 4-log treatment of viruses before or at the first customer for the ground water source.

7. Special notice to the public of significant deficiencies or source water fecal contamination.

A. In addition to the applicable public notification requirements of 10 CSR 60-8.010/(2)/, a community ground water system that receives notice from the department of a significant deficiency or notification of a fecal indicator-positive ground water source sample that is not invalidated by the department under subsection (3)(D) of this rule must inform the public served by the water system under 10 CSR 60-8.030(2)(H)6. of the fecal indicator-positive source sample or of any significant deficiency that has not been corrected. The system must continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the ground water source is determined by the department to be corrected under paragraph (4)(A)5. of this rule.

B. In addition to the applicable public notification requirements of 10 CSR 60-8.010, a non-community ground water system that receives notice from the department of a significant deficiency must inform the public served by the water system in a manner approved by the department of any significant deficiency that has not been corrected within twelve (12) months of being notified by the department, or earlier if directed by the department. The system must continue to inform the public annually until the significant deficiency is corrected.

(I) The information must include:

(a) The nature of the significant deficiency and the date the significant deficiency was identified by the department;

(b) The department-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and

(c) For systems with a large proportion of non-English speaking consumers, as determined by the department, information in the appropriate language(s) regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

(II) If directed by the department, a non-/community water system with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how the deficiencies were corrected, and the dates of correction.

(B) Compliance Monitoring.

1. Existing ground water sources. A ground water system that is not required to meet the source water monitoring requirements of this rule for any ground water source because it provides at least 4-log treatment of viruses before or at the first customer for any ground water source before December 1, 2009, must notify the department in writing that it provides at least 4-log treatment of viruses before or at the first customer for the specified ground water source and begin compliance monitoring in accordance with paragraph (4)(B)3. of this rule by December 1, 2009. Notification to the department must include engineering, operational, or other information that the department requests to evaluate the submission. If the system subsequently discontinues 4-log treatment of viruses before or at the first customer for a ground water source, the system must conduct ground water source monitoring as required under section (3) of this rule.

2. New ground water sources. A ground water system that places a ground water source in service after November 30, 2009, that is not required to meet the source water monitoring requirements of this rule because the system provides at least 4-log treatment of viruses before or at the first customer for the ground water source must comply with the following:

A. The system must notify the department in writing that it provides at least 4-log treatment of viruses before or at the first customer for the ground water source. Notification to the department must include engineering, operational, or other information that the department requests to evaluate the submission;

B. The system must conduct compliance monitoring as required under paragraph (4)(B)3. of this rule within thirty (30) days of placing the source in service; and

C. The system must conduct ground water source monitoring under section (3) of this rule if the system subsequently discontinues 4-log treatment of viruses before or at the first customer for the ground water source.

3. Monitoring requirements. A ground water system subject to the requirements of subsection (4)(A), or paragraph (4)(B)1. or (4)(B)2. of this rule must monitor the effectiveness and reliability of treatment for that ground water source before or at the first customer as follows:

A. Chemical disinfection.

(I) A ground water system that serves greater than three thousand three hundred (3,300) people must continuously monitor the residual disinfectant concentration using analytical methods specified in 10 CSR 60-5.010(5) at a location approved by the department

and must record the lowest residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must maintain the department-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four (4) hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within fourteen (14) days.

(II) A ground water system that serves three thousand three hundred (3,300) or fewer people must monitor the residual disinfectant concentration using analytical methods specified in 10 CSR 60-5.010(5) at a location approved by the department and record the residual disinfection concentration each day that water from the ground water source is served to the public. The ground water system must maintain the department-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. The ground water system must take a daily grab sample during the hour of peak flow or at another time specified by the department. If any daily grab sample measurement falls below the department-determined residual disinfectant concentration, the ground water system must take follow-up samples every four (4) hours until the residual disinfectant concentration is restored to the department-determined level. Alternatively, a ground water system that serves three thousand three hundred (3,300) or fewer people may monitor continuously and meet the requirements in part (I) of this *[subparagraph]* **subparagraph** (4)(B)3.A.

B. Membrane filtration. A ground water system that uses membrane filtration to meet the requirements of this rule must monitor the membrane filtration process in accordance with all department-specified monitoring requirements and must operate the membrane filtration in accordance with all department-specified compliance requirements. The department will consider the manufacturer's recommendations and guidelines as well as standard industry practices in setting monitoring and compliance requirements. A ground water system that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when—

(I) The membrane has an absolute molecular weight cut-off, or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;

(II) The membrane process is operated in accordance with department-specified compliance requirements; and

(III) The integrity of the membrane is intact.

C. Alternative treatment. A ground water system that uses a department-approved alternative treatment to meet the requirements of this rule by providing at least 4-log treatment of viruses before or at the first customer must monitor the alternative treatment in accordance with all department-specified monitoring requirements and operate the alternative treatment in accordance with all compliance requirements that the department determines to be necessary to achieve at least 4-log treatment of viruses. The department will consider the manufacturer's recommendations and guidelines as well as standard industry practices in setting monitoring and compliance requirements for the approved alternative treatment.

*AUTHORITY: section 640.100, RSMo [Supp. 2014] 2016. Original rule filed April 14, 2010, effective Dec. 30, 2010. Amended: Filed Aug. 12, 2015, effective March 30, 2016. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*



**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 4—Contaminant Levels and Monitoring**

**PROPOSED AMENDMENT**

**10 CSR 60-4.050 Maximum Turbidity Levels and Monitoring Requirements and Filter Backwash Recycling.** The department is deleting compliance dates and applicable sunset requirements with resulting renumbering thereafter. Amending section (2)(C)1. and 2., amending section (2)(E)2., and combining deleted language from section (1)(B) and amending section (3)(A).

**PURPOSE:** The amendment removes sunset compliance dates and updates regulation citations due to concurrent rulemakings.

**(1) Applicability.**

[(A)] This rule applies to all public water systems that use surface water or ground-water under the direct influence of surface water. [Requirements and compliance dates vary depending on system size.]

[(B)] Beginning on November 30, 2002, any water treatment plant proposed for construction or major modification must be designed to meet the filter backwash requirements in section (4) of this rule.]

[(2) Systems Serving Less Than Ten Thousand (10,000) People. (Note: This section remains in effect only until January 13, 2005. Beginning January 14, 2005, the turbidity levels and other requirements in section (3) of this rule replace the requirements of this section.)

**(A) Maximum Turbidity Levels.**

1. The turbidity level must be less than or equal to 0.5 turbidity units in at least ninety-five percent (95%) of the measurements taken each month.

2. The turbidity level must at no time exceed five (5) turbidity units in any one (1) confirmed measurement.

(B) The frequency of sampling shall be as set forth in 10 CSR 60-4.080(3).

(C) If the result of a single turbidity measurement exceeds the level established in subsection (2)(A), the measurement must be confirmed by resampling, preferably within one (1) hour. The resample result must replace the original sample result for determining compliance with subsection (2)(A) of this rule.

(D) If any confirmed sample result exceeds five (5) turbidity units, the supplier of water must notify the department by the end of the next business day and give notice as required by 10 CSR 60-8.010(2).

(E) The department, on a case-by-case basis, may allow a system to operate at a maximum turbidity level of 1.0 turbidity units in at least ninety-five percent (95%) of the measurements taken each month if the following criteria are met: the total percent removal and inactivation of *Giardia lamblia* is ninety-nine and nine-tenths percent (99.9%), required treatment is provided, the treatment facilities are properly

operated, none of the treatment units are malfunctioning due to mechanical failure or incorrect construction, the system is in compliance with all of the disinfection requirements of 10 CSR 60-4.055(1)–(4), the treatment facilities are providing ninety-nine percent (99%) *Giardia* cyst removal and the system cannot meet the turbidity level of 0.5 turbidity units due to raw water quality, iron, manganese or similar compelling factors. The request to operate at the higher turbidity level must be made in writing and be accompanied by an engineering report which includes the results of full scale particle or *Giardia* cyst removal studies, operational test data, water analyses results, a report of the sanitary survey of the treatment facilities and any other information that the department may require to assure that the criteria of this rule are met. Approval of the engineering report is the approval to operate at the higher turbidity level.]

[(3)](2) Enhanced Turbidity Requirements.

[(A)] Beginning January 1, 2002 for systems serving ten thousand (10,000) or more people and beginning January 14, 2005 for systems serving less than ten thousand (10,000) people maximum turbidity levels and other requirements are as set forth in this section.]

[(B)](A) Maximum Turbidity Levels.

1. Turbidity must be equal to or less than 0.3 turbidity units in at least ninety-five percent (95%) of the measurements taken each month; and

2. There must be no more than one (1) turbidity unit in any one (1) measurement.

[(C)](B) The frequency of sampling shall be as set forth in 10 CSR 60-4.080(3).

[(D)](C) Reporting to the Department.

1. If at any time the turbidity exceeds one (1) nephelometric turbidity unit (NTU) in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must inform the department as soon as possible, but no later than the end of the next business day.

[2. If any sample result exceeds five (5) turbidity units, the supplier of water must consult with the department as soon as practical, but no later than twenty-four (24) hours after the exceedance is known, except that the department may allow additional time in the event of extenuating circumstances beyond the control of the owner or operator, such as a natural disaster.]

[3.]2. If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the department under subsection [(3)(G)] (2)(F) of this rule for filtration technologies other than conventional filtration treatment, the system must inform the department as soon as possible, but no later than the end of the next business day.

[(E)](D) Filtration Sampling Requirements for Surface Water Systems

1. A public water system [subject to the requirements of 10 CSR 60-4.055(6)] using surface water or groundwater under the direct influence of surface water that provides conventional filtration treatment must conduct continuous monitoring of turbidity for each individual filter using an approved method in 10 CSR 60-5.010 and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes.

2. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four (4) hours in lieu of continuous monitoring, until the turbidimeter is repaired and back on-line. A system has a maximum of five (5) working days after failure in the continuous monitoring equipment to repair the equipment before the system is in violation. With department approval, systems serving less than ten thousand (10,000) people may be granted up to fourteen (14) days to repair the equipment

before the system is in violation.

**[(F)](E) Lime Softening.**

1. A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the department.

2. Systems that use lime softening may apply to the department for alternative exceedance levels for the levels specified in 10 CSR 60-7.010/[(7)](6)(B) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

**[(G)](F) Filtration Technologies Other Than Conventional Filtration Treatment.**

1. A public water system may use a filtration technology other than conventional filtration if it demonstrates to the department, using pilot plant studies or other means, that the alternative filtration technology, including direct filtration, in combination with disinfection treatment that meets the requirements of 10 CSR 60-4.055, consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of viruses, and ninety-nine percent (99%) removal of *Cryptosporidium* oocysts, and the department approves the use of the filtration technology.

2. For each approval, the department will set turbidity performance requirements that the system must meet at least ninety-five percent (95%) of the time and that the system may not exceed at any time at a level that consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts, 99.99 percent removal or inactivation of viruses, or both, and 99 percent removal of *Cryptosporidium* oocysts.

**[(4)](3) Filter Backwash Recycling.**

(A) Applicability. *[All surface water and groundwater under the direct influence of surface water systems that use conventional filtration or direct filtration treatment and that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements of this section.] Any water treatment plant proposed for construction or major modification for a surface water or groundwater under the direct influence of surface water or direct filtration treatment and that will recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must be designed to meet the filter backwash recycling requirements of this section.*

(B) Reporting. A system must notify the department in writing *[by December 8, 2003,]* if the system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the following information:

1. A plant schematic showing the origin of all flows which are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are reintroduced back into the treatment plant; and

2. Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and department-approved operating capacity for the plant where the department has made such determinations.

(C) Treatment Technique Requirement. Any system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of a system's existing conventional or direct filtration system or at an alternate location approved by the department *[by June 8, 2004. If capital improvements are required to modify the recycle location to meet this requirement, all capital improvements must be completed not later than June 8, 2006].*

(D) Record Keeping. The system must collect and retain on file recycle flow information for review and evaluation by the department

*[beginning June 8, 2004].* This information shall include, but may not be limited to:

1. A copy of the recycle notification and information submitted to the department under subsection (4)(B) of this rule;

2. A list of all recycle flows and the frequency with which they are returned;

3. Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes;

4. Typical filter run length and a written summary of how filter run length is determined;

5. The type of treatment provided for the recycle flow; and

6. Data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

**AUTHORITY:** section 640.100, RSMo [Supp. 2002] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 4—Contaminant Levels and Monitoring**

**PROPOSED AMENDMENT**

**10 CSR 60-4.052 Source Water Monitoring and Enhanced Treatment Requirements.** The department is amending citations in (4)(D), (13)(B), (16)(A) and (B), and (18)(A) as part of concurrent rulemaking changes.

**PURPOSE:** This amendment corrects regulation citations due to concurrent rulemaking amendments in 10 CSR 60-4.

**(4) Sampling Locations.**

**(D) Bank Filtration Requirements.**

1. Systems that receive *Cryptosporidium* treatment credit for bank filtration under 10 CSR 60-4.050/[(3)](G)/(2)(F) as applicable, must collect source water samples in the surface water prior to bank filtration.

2. Systems that use bank filtration as pretreatment to a filtration plant must collect source water samples from the well (i.e., after bank filtration). Use of bank filtration during monitoring must be consistent with routine operational practice. Systems collecting samples after a bank filtration process may not receive treatment credit for the bank filtration under subsection (15)(C) of this rule.

**(E) Multiple Sources.** Systems with plants that use multiple water

sources, including multiple surface water sources and blended surface water and ground water sources, must collect samples as specified in paragraph (4)(E)1. or 2. of this rule. The use of multiple sources during monitoring must be consistent with routine operational practice.

1. If a sampling tap is available where the sources are combined prior to treatment, systems must collect samples from the tap.

2. If a sampling tap where the sources are combined prior to treatment is not available, systems must collect samples at each source near the intake on the same day and must follow either subparagraph (4)(E)2.A. or B. of this rule for sample analysis.

A. Systems may take composite samples from each source into one (1) sample prior to analysis. The volume of sample from each source must be weighted according to the proportion of the source in the total plant flow at the time the sample is collected.

B. Systems may analyze samples from each source separately and calculate a weighted average of the analysis results for each sampling date. The weighted average must be calculated by multiplying the analysis result for each source by the fraction the source contributed to total plant flow at the time the sample was collected and then summing these values.

(F) Additional Requirements. Systems must submit a description of their sampling location(s) to the department at the same time as the sampling schedule required under section (3) of this rule. This description must address the position of the sampling location in relation to the system's water source(s) and treatment processes, including pretreatment, points of chemical treatment, and filter backwash recycle. If the department does not respond to a system regarding sampling location(s), the system must sample at the reported location(s).

(13) Microbial Toolbox Options for Meeting *Cryptosporidium* Treatment Requirements.

(B) The following table summarizes options in the microbial toolbox:

**Microbial Toolbox Summary Table: Options, Treatment Credit, and Criteria**

Toolbox Option	Cryptosporidium treatment credit with design and implementation criteria
Source Protection and Management Toolbox Options	
Watershed control program	0.5-log credit for department-approved program comprising required elements, annual program status report to the department, and regular watershed survey. Specific criteria are in subsection (14)(A).
Alternative source/intake management	No prescribed credit. Systems may conduct simultaneous monitoring for treatment bin classification at alternative intake locations or under alternative management strategies. Specific criteria are in subsection (14)(B).
Pre-Filtration Toolbox Options	
Presedimentation basin with coagulation	0.5-log credit during any month that presedimentation basins achieve a monthly mean reduction of 0.5-log or greater in turbidity or alternative department-approved performance criteria. To be eligible, basins must be operated continuously with coagulant addition and all plant flow must pass through basins. Specific criteria are in subsection (15)(A).
Two-stage lime softening	0.5-log credit for two-stage softening where chemical addition and hardness precipitation occur in both stages. All plant flow must pass through both stages. Single-stage softening is credited as equivalent to conventional treatment. Specific criteria are in subsection (15)(B).
Bank filtration	0.5-log credit for 25-foot setback; 1.0-log credit for 50-foot setback; aquifer must be unconsolidated sand containing at least <b>/10/ ten percent (10%)</b> fines; average turbidity in wells must be less than <b>one (1) NTU</b> . Systems using wells followed by filtration when conducting source water monitoring must sample the well to determine bin classification and are not eligible for additional credit. Specific criteria are in subsection (15)(C).
Treatment Performance Toolbox Options	
Combined filter performance	0.5-log credit for combined filter effluent turbidity less than or equal to 0.15 NTU in at least <b>/95/ ninety-five percent (95%)</b> of measurements each month. Specific criteria are in subsection (16)(A).
Individual filter performance	0.5-log credit (in addition to 0.5-log combined filter performance credit) if individual filter effluent turbidity is less than or equal to 0.15 NTU in at least <b>/95/ ninety-five percent (95%)</b> of samples each month in each filter and is never greater than 0.3 NTU in two consecutive measurements in any filter. Specific criteria are in subsection (16)(B).
Demonstration of performance	Credit awarded to unit process or treatment train based on a demonstration to the department with a department-approved protocol. Specific criteria are in subsection (16)(C).
Bag or cartridge filters (individual filters)	Up to 2-log credit based on the removal efficiency demonstrated during challenge testing with a 1.0-log factor of safety. Specific criteria are in subsection (17)(A).
Bag or cartridge filters (in series)	Up to 2.5-log credit based on the removal efficiency demonstrated during challenge testing with a 0.5-log factor of safety. Specific criteria are in subsection (17)(A).
Membrane filtration	Log credit equivalent to removal efficiency demonstrated in challenge test for device if supported by direct integrity testing. Specific criteria are in subsection (17)(B).
Second stage filtration	0.5-log credit for second separate granular media filtration stage if treatment train includes coagulation prior to first filter. Specific criteria are in subsection (17)(C).
Slow sand filtration	2.5-log credit as a secondary filtration step; 3.0-log credit as a primary filtration process. No prior chlorination for either option. Specific criteria are in subsection (17)(D).
Inactivation Toolbox Options	
Chlorine dioxide	Log credit based on measured CT in relation to CT table. Specific criteria in subsection (18)(B).
Ozone	Log credit based on measured CT in relation to CT table. Specific criteria in subsection (18)(B).
Ultra-violet	Log credit based on validated UV dose in relation to UV dose table; reactor validation testing required to establish UV dose and associated operating conditions. Specific criteria in subsection (18)(D).

## (16) Treatment Performance Toolbox Components.

(A) Combined Filter Performance. Systems using conventional filtration treatment or direct filtration treatment receive an additional 0.5-log *Cryptosporidium* treatment credit during any month the system meets the criteria in this subsection. Combined filter effluent (CFE) turbidity must be less than or equal to 0.15 NTU in at least ninety-five percent (95%) of the measurements. Turbidity must be measured as described in 10 CSR 60-4.050/(3)/(2) and 10 CSR 60-4.080(3).

(B) Individual Filter Performance. Systems using conventional filtration treatment or direct filtration treatment receive 0.5-log *Cryptosporidium* treatment credit, which can be in addition to the 0.5-log credit under subsection (16)(A) during any month the system meets the criteria in this subsection. Compliance with these criteria must be based on individual filter turbidity monitoring as described in 10 CSR 60-4.050/(3)/(E)/(2)(D) and 10 CSR 60-7.010/(7)/(6).

1. The filtered water turbidity for each individual filter must be less than or equal to 0.15 NTU in at least ninety-five percent (95%) of the measurements recorded each month.

2. No individual filter may have a measured turbidity greater than 0.3 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart.

3. Any system that has received treatment credit for individual filter performance and fails to meet the requirements of paragraph (16)(B)1. or 2. of this rule during any month does not receive a treatment technique violation under subsection (11)(C) of this rule if the department determines the following:

A. The failure was due to unusual and short-term circumstances that could not reasonably be prevented through optimizing treatment plant design, operation, and maintenance; and

B. The system has experienced no more than two (2) such failures in any calendar year.

## (18) Inactivation Toolbox Components.

## (A) Calculation of CT Values.

1. CT is the product of the disinfectant contact time (T, in minutes) and disinfectant concentration (C, in milligrams per liter). Systems with treatment credit for chlorine dioxide or ozone under subsection (18)(B) or (C) must calculate CT at least once each day, with both C and T measured during peak hourly flow as specified in 10 CSR 60-5.010, 10 CSR 60-5.020, and the *Missouri Guidance Manual for Surface Water System Treatment Requirements*, [January] 1992.

2. Systems with several disinfection segments in sequence may calculate CT for each segment, where a disinfection segment is defined as a treatment unit process with a measurable disinfectant residual level and a liquid volume. Under this approach, systems must add the *Cryptosporidium* CT values in each segment to determine the total CT for the treatment plant.

**AUTHORITY:** section 640.100, RSMo [Supp. 2008] 2016. Original rule filed Feb. 27, 2009, effective Oct. 30, 2009. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is sched-

uled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 60—Safe Drinking Water Commission**  
**Chapter 4—Contaminant Levels and Monitoring**

**PROPOSED AMENDMENT**

**10 CSR 60-4.055 Disinfection Requirements.** The department is amending subsection (1)(E) due to concurrent rulemakings, removing the sunset language in (4)(E), amending (5)(A), and removing the sunset compliance dates of subsection (5)(C), amending and removing sunset compliance dates in section (6) along with updating citations to 10 CSR 60-4.094, removing section (6)(C)1.A.I-II, and removing language in section (6)(C)1.B.I-II.

**PURPOSE:** The amendment updates regulation citations due to concurrent rulemakings and removes language that has sunset.

(1) The requirements of this rule apply to primary community and noncommunity public water systems that the department has required to disinfect and to secondary systems with a source of water from a primary water system that the department has required to disinfect, even if the water is obtained through another secondary system.

(E) Primary systems which use water obtained from groundwater not under the direct influence of surface water and which the department requires to disinfect and secondary public water systems do not have to meet the requirements of section (2) of this rule but may be required to provide disinfection detention as deemed necessary by the department. These systems also do not have to submit reports to the department as required by 10 CSR 60-7.010/(5)/(4) but must maintain the information on file at the system treatment plant or office.

## (2) Contact Time and Removal Credit.

(D) Disinfectant contact time must be determined for each system by evaluations performed as specified in the *Missouri Guidance Manual [F]or Surface Water System Treatment Requirements*, 1992, which is incorporated by reference. Results of the evaluations, including the determined disinfectant contact times, must be submitted to the department for review. The evaluation must be submitted within one (1) year of the date that the system is covered by the requirements of this rule, except that new water treatment facilities will not be issued a Final Approval of Construction under 10 CSR 60-3.010 until disinfection contact times are determined and submitted to the department.

(4) The residual disinfectant concentration in the distribution system measured as total chlorine or combined chlorine cannot be less than 0.2 mg/L in more than five percent (5%) of the samples each month for any two (2) consecutive months that the system supplies water to the public.

(E) [Until March 31, 2016, the residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled as specified in 10 CSR 60-4.020. Beginning April 1, 2016, p]Public water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in 10 CSR 60-4.022(4)-(8). Failure to comply with this subsection is a monitoring violation which requires public notification as specified in 10 CSR 60-8.010.

## (5) Maximum Residual Disinfectant Levels.

(A) Maximum residual disinfectant levels (MRDL) applicable to

**all community and nontransient noncommunity water systems using chlorine, chloramines or chlorine dioxide and to all transient noncommunity water systems using chlorine dioxide are—**

Disinfectant Residual	MRDL (mg/L)
Chlorine	4.0 (as Cl <sub>2</sub> )
Chloramines	4.0 (as Cl <sub>2</sub> )
Chlorine dioxide	0.8 (as ClO <sub>2</sub> )

*[(C) Compliance Dates.*

1. *Community water systems and nontransient noncommunity water systems.*

A. *Systems serving ten thousand (10,000) or more persons and using surface water or groundwater under the direct influence of surface water must comply with the MRDLs beginning January 1, 2002.*

B. *Systems serving fewer than ten thousand (10,000) persons and using surface water or groundwater under the direct influence of surface water and systems using only groundwater not under the direct influence of surface water must comply with the MRDLs beginning January 1, 2004.*

2. *Transient noncommunity water systems.*

A. *Systems serving ten thousand (10,000) or more persons and using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002.*

B. *Systems serving less than ten thousand (10,000) persons, using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant, and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant, must comply with the chlorine dioxide MRDL beginning January 1, 2004.]*

(6) *Enhanced Disinfection Requirements. [Enhanced disinfection requirements and compliance dates vary depending on system size.]*

(A) *[Compliance Dates.] In addition to the requirements in sections (1)–(4) of this rule, surface water and groundwater under the direct influence of surface water systems [serving at least ten thousand (10,000) people also] must comply with the requirements in this section [beginning January 1, 2002 unless otherwise specified. Those systems serving less than ten thousand (10,000) people must comply with the requirements in this section beginning January 14, 2005 unless otherwise specified].*

(B) *General Requirements.*

1. This section (6) establishes or extends treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, *Cryptosporidium*, and turbidity. Each surface water and groundwater under the direct influence of surface water system[, including those serving less than ten thousand (10,000) people beginning January 14, 2005,] must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in sections (1)–(4) of this rule. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

A. At least ninety-nine percent (99%) (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and

B. Compliance with the profiling and benchmark requirements under the provisions of subsection (6)(C) of this rule.

2. A public water system subject to the requirements of this section (6) is in compliance with the requirements of paragraph (6)(B)1.

of this rule if it meets the applicable filtration requirements in 10 CSR 60-4.050 and the disinfection requirements in sections (2)–(4) and subsection (6)(C) of this rule.

(C) *Disinfection Profiling and Benchmarking.*

1. *Disinfection profile.* A disinfection profile is a summary of *Giardia lamblia* inactivation through the treatment plant measured through the course of a year. A public water system subject to the requirements of this section (6) must determine its total trihalomethanes (TTHM) annual average and its HAA5 annual average. The annual average is the arithmetic average of the quarterly averages of four (4) consecutive quarters of monitoring. *[Surface water systems serving fewer than ten thousand (10,000) people must determine the arithmetic average based on samples collected after January 1, 1998.]* If the annual average exceeds the levels in subparagraph (6)(C)1.D. then the requirements in paragraph (6)(C)2. apply.

A. The TTHM annual average must be the annual average during the same period as is used for the HAA5 annual average.

*[(I) Those systems that use “grandfathered” HAA5 occurrence data that meet the provisions of part (5)(C)1.B.(I) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.*

*[(II) Those systems that use HAA5 occurrence data that meet the provisions of subpart (6)(C)1.B.(II)(a) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.]*

B. The HAA5 annual average must be the annual average during the same period as is used for the TTHM annual average.

(I) Those systems that have collected four (4) quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in *[10 CSR 60-4.090 and handling and analytical method requirements of 40 CFR 141.142]* **10 CSR 60-4.094** may use those data to determine whether the requirements of this section apply.

(II) Those systems that did not collect four (4) quarters of HAA5 occurrence data that meets the provisions of part (6)(C)1.B.(I) of this rule by March 31, 2000 must either:

(a) Conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in *[10 CSR 60-4.090(2) and handling and analytical method requirements of 40 CFR 141.142(b)(1)]* **10 CSR 60-4.094** to determine the HAA5 annual average and whether the requirements of paragraph (6)(C)2. of this rule apply; or

(b) Comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with paragraph (6)(C)2. of this rule.

C. The system must submit data to the department on the schedule required by the department.

D. Any system having either a TTHM annual average greater than or equal to 0.064 mg/L or an HAA5 annual average greater than or equal to 0.048 mg/L during the period identified in subparagraphs (6)(C)1.A. and B. of this rule must comply with paragraph (6)(C)2. of this rule.

2. *Disinfection profiling requirements and compliance dates vary depending on system size. Surface water and groundwater under the direct influence of surface water systems serving a population of [less] more than ten thousand (10,000) must monitor profiling data according to subparagraph (6)(C)2.B. through (6)(C)2.C. Surface water and groundwater under the direct influence of surface water systems serving a population of less than ten thousand (10,000) must monitor profiling data according to subparagraph (6)(C)2.D. [beginning July 1, 2003. Surface water and groundwater under the direct influence of surface water (GWUDISW) systems serving a population of less than five hundred (500) must monitor profiling data according to subparagraph (6)(C)2.D. beginning January 1, 2004.]*

A. Any system that meets the criteria in subparagraph (6)(C)1.D. of this rule must develop a disinfection profile of its disinfection practice for a period of up to three (3) years.

B. The system must monitor daily for a period of twelve (12) consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the  $CT_{99.9}$  values in Tables 1 through 8 of the *Missouri Guidance Manual for Surface Water System Treatment Requirements, 1992*, as appropriate, through the entire treatment plant. This system must begin this monitoring when requested by the department. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring set forth in this subparagraph (6)(C)2.B. A system with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010, as follows:

(I) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow;

(II) If the system uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow;

(III) The disinfectant contact time(s) must be determined for each day during peak hourly flow; and

(IV) The residual disinfectant concentration(s) of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.

C. In lieu of the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile the system may elect to meet the requirements of part (6)(C)2.C.(I) of this rule. In addition to the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile, the system may elect to meet the requirements of part (6)(C)2.C.(II) of this rule.

(I) A PWS that has three (3) years of existing operational data may submit those data, a profile generated using those data, and a request that the department approve use of those data in lieu of monitoring under the provisions of paragraph (6)(C)2. of this rule. The department must determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of *Giardia lamblia* inactivation through the entire treatment plant and not just of certain treatment segments. Until the department approves this request, the system is required to conduct monitoring under the provisions of subparagraph (6)(C)2.B. of this rule.

(II) In addition to the disinfection profile generated under subparagraph (6)(C)2.B. of this rule, a PWS that has existing operational data may use those data to develop a disinfection profile for additional years. Such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of paragraph (6)(C)3. of this rule. The department will determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

D. The system must monitor once per week on the same calendar day, for a period of twelve (12) consecutive calendar months, to determine the total logs of inactivation for each week of operation, based on the  $CT_{99.9}$  values in Tables 1 through 8 of the *Missouri Guidance Manual for Surface Water System Treatment Requirements, 1992*, as appropriate, through the entire treatment plant. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring set forth in this subparagraph. A system with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010, as follows:

(I) The temperature of the disinfected water must be measured at each residual disinfectant concentration sampling point dur-

ing peak hourly flow;

(II) If the system uses chlorine, the pH of the disinfected water must be measured at each chlorine residual disinfectant concentration sampling point during peak hourly flow;

(III) The disinfectant contact time(s) must be determined during peak hourly flow; and

(IV) The residual disinfectant concentration(s) of the water before or at the first customer and prior to each additional point of disinfection must be measured during peak hourly flow.

E. The system must calculate the total inactivation ratio as follows:

(I) The system may determine the total inactivation ratio for the disinfection segment based on either of the following methods:

(a) Determine one (1) inactivation ratio ( $CT_{calc}/CT_{99.9}$ ) before or at the first customer during peak hourly flow; or

(b) Determine successive ( $CT_{calc}/CT_{99.9}$ ) values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system must calculate the total inactivation ratio by determining ( $CT_{calc}/CT_{99.9}$ ) for each sequence and then adding the ( $CT_{calc}/CT_{99.9}$ ) values together to determine ( $\sum(CT_{calc}/CT_{99.9})$ ); and

(II) The system must determine the total logs of inactivation by multiplying the value calculated in part (6)(C)2.D.(I) of this rule by three (3.0).

F. A system that uses either chloramines or ozone for primary disinfection must also calculate the logs of inactivation for viruses using a method identified in *[EPA's] the United States Environmental Protection Agency's Office of Water document, Alternative Disinfectants and Oxidants Guidance Manual, Volume 99 Issue 14 of EPA 815-R, published April 1999. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the U.S. Government Printing Office at 732 North Capitol Street NW, Washington, D.C. 20401, toll free (866)512-1800 or by visiting <https://bookstore.gpo.gov>.*

G. The system must retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the department for review as part of sanitary surveys conducted by the department.

### 3. Disinfection benchmarking.

A. Any system required to develop a disinfection profile under the provisions of paragraphs (6)(C)1. and 2. of this rule and that decides to make a significant change to its disinfection practice must consult with the department in writing prior to making such change. Significant changes to disinfection practice are:

(I) Changes to the point of disinfection;

(II) Changes to the disinfectant(s) used in the treatment plant;

(III) Changes to the disinfection process; and

(IV) Any other modification identified by the department.

B. Any system that is modifying its disinfection practice must calculate its disinfection benchmark using one (1) of the following procedures:

(I) For each year of profiling data collected and calculated under paragraph (6)(C)2. of this rule, the system must determine the lowest average monthly *Giardia lamblia* inactivation in each year of profiling data. The system must determine the average *Giardia lamblia* inactivation for each calendar month for each year of profiling data by dividing the sum of *Giardia lamblia* inactivation by the number of values calculated for that month; or

(II) The disinfection benchmark is the lowest monthly average value (for systems with one (1) year of profiling data) or average of lowest monthly average values (for systems with more than one (1) year of profiling data) of the monthly logs of *Giardia lamblia* inactivation in each year of profiling data.

C. A system that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for



viruses using a method approved by the department.

D. The system must submit the following information to the department as part of its consultation process:

(I) A description of the proposed change;

(II) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) under paragraph (6)(C)2. of this rule and benchmark as required by subparagraph (6)(C)3.B. of this rule; and

(III) An analysis of how the proposed change will affect the current levels of disinfection.

(D) Filtration Sampling Requirements. A public water system subject to the requirements of this section (6) that provides conventional filtration treatment must conduct continuous monitoring of turbidity for each individual filter as indicated in 10 CSR 60-4.050[(3)(E)](2)(D)1.

**AUTHORITY:** section 640.100, RSMo [Supp. 2014] 2016. Original rule filed July 12, 1991, effective Feb. 6, 1992. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm, Jefferson City, MO 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 60—Safe Drinking Water Commission

#### Chapter 4—Contaminant Levels and Monitoring

#### PROPOSED AMENDMENT

**10 CSR 60-4.060 Maximum Radionuclide Contaminant Levels and Monitoring Requirements.** The department is moving language from section (1) to subsection (1)(E) and removing sunset language, deleting sunset language in (2)(A)4.A.–B., and renumbering thereafter, incorporating a document by reference.

**PURPOSE:** This amendment will remove language that has sunset and incorporates a document by reference.

(1) Maximum Contaminant Levels (MCL) [and Compliance Dates].

(C) MCL for Beta Particle and Photon Radioactivity.

1. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than four (4) millirem/year (mrem/year).

2. Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing four (4) mrem total body or organ dose equivalents must be calculated on the basis of two (2) liter per day drinking water intake using the one hundred sixty-eight (168) hour data list in “Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure,” NBS (National Bureau of

Standards) Handbook 69 as amended August 1963, U.S. Department of Commerce, which is incorporated by reference **without any later editions or modifications**. If two (2) or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed four (4) mrem/year.

**Table A.—Average Annual Concentrations Assumed to Produce a Total Body or Organ Dose of Mrem/Year**

Radionuclide	Critical Organ	pCi per Liter
Tritium	Total body	20,000
Strontium-90	Bone Marrow	8

(E) Compliance Dates. Community water systems (CWSs) must comply with the MCLs listed in subsections (1)(A)–(D) of this rule [beginning December 8, 2003]. Compliance shall be determined in accordance with the requirements of 10 CSR 60-5.010 and section (2) of this rule. [Compliance with Consumer Confidence Report and public notice requirements for radionuclides is required on December 8, 2003.]

(2) Monitoring Frequency and Compliance Requirements for Radionuclides in Community Water Systems.

(A) Monitoring and Compliance Requirements for Gross Alpha Particle Activity, Radium-226, Radium-228, and Uranium.

1. Community water systems must conduct initial monitoring to determine compliance with subsections (1)(A), (B) and (D) of this rule [by December 31, 2007]. For the purposes of monitoring for gross alpha particle activity, radium-226, and radium-228, the detection limits are:

A. The detection limit for gross alpha particle activity is three (3) pCi/L;

B. The detection limit for radium-226 is one (1) pCi/L; and

C. The detection limit for radium-228 is one (1) pCi/L.

2. Applicability and sampling location for existing community water systems or sources. All existing CWSs using groundwater, surface water, or systems using both ground and surface water must sample at every entry point to the distribution system that is representative of all sources being used (hereafter called a sampling point) under normal operating conditions. The system must take each sample at the sample sampling point unless conditions make another sampling point more representative of each source [or the department has designated a distribution system location, in accordance with part (2)(A)4.B.(III) of this rule].

3. Applicability and sampling location for new community water systems or sources. All new CWSs or CWSs that use a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. CWSs must conduct more frequent monitoring when ordered by the department in the event of possible contamination or when changes in the distribution system or treatment processes occur which may increase the concentration of radioactivity in finished water.

4. Initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium.

[A. Systems without acceptable historical data, as defined below, shall collect four (4) consecutive quarterly samples at all sampling points before December 31, 2007.

B. Grandfathering of data. Systems may use historical monitoring data collected at a sampling point to satisfy the initial monitoring requirements for that sampling point, for the following situations.

(I) To satisfy initial monitoring requirements, a community water system having only one (1) entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 1, 2000 and December 8, 2003.

(II) To satisfy initial monitoring requirements, a community water system with multiple entry points and having appropriate historical monitoring data for each entry point to

the distribution system may use the monitoring data from the last compliance monitoring period that began between June 1, 2000 and December 8, 2003.

(III) To satisfy initial monitoring requirements, a community water system with appropriate historical data for a representative point in the distribution system may use the monitoring data from the last compliance monitoring period that began between June 1, 2000 and December 8, 2003, provided that the department finds that the historical data satisfactorily demonstrate that each entry point to the distribution system is expected to be in compliance based upon the historical data and reasonable assumptions about the variability of contaminant levels between entry points. The department must make a written finding indicating how the data conforms to these requirements.]

[C./A. For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the department will waive the final two (2) quarters of initial monitoring for a sampling point if the results of the samples from the previous two (2) quarters are below the detection limit.

[D./B. If the average of the initial monitoring results for a sampling point is above the MCL, the system must collect and analyze quarterly samples at that sampling point until the system has results from four (4) consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the department.

[3./5. Reduced monitoring. Community water systems may reduce the future frequency of monitoring from once every three (3) years to once every six (6) or nine (9) years at each sampling point, based on the following criteria.

A. If the average of the initial monitoring results for each contaminant (that is, gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in paragraph (2)(A)1. of this rule, the system must collect and analyze for that contaminant using at least one (1) sample at that sampling point every nine (9) years.

B. For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below one-half (1/2) the MCL, the system must collect and analyze for that contaminant using at least one (1) sample at that sampling point every six (6) years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below one-half (1/2) the MCL, the system must collect and analyze for that contaminant using at least one (1) sample at that sampling point every six (6) years.

C. For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above one-half (1/2) the MCL but at or below the MCL, the system must collect and analyze at least one (1) sample at that sampling point every three (3) years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above one-half (1/2) the MCL but at or below the MCL, the system must collect and analyze at least one (1) sample at that sampling point every three (3) years.

D. Systems must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (for example, if a system's sampling point is on a nine (9)-year monitoring period, and the sample result is above one-half (1/2) the MCL, then the next monitoring period for that sampling point is three (3) years).

E. If a system has a monitoring result that exceeds the MCL while on reduced monitoring, the system must collect and analyze quarterly samples at that sampling point until the system has results from four (4) consecutive quarters that are below the MCL, unless the system enters into another schedule as part of a formal compli-

ance agreement with the department.

[4./6. Compositing. To fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a system may composite up to four (4) consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample. The department will treat analytical results from the composited as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than one-half (1/2) the MCL, the department may direct the system to take additional quarterly samples before allowing the system to sample under a reduced monitoring schedule.

[5./7. Gross alpha particle activity measurement.

A. A gross alpha particle activity measurement may be substituted for the required radium-226 measurement provided that the measured gross alpha particle activity does not exceed five (5) pCi/L. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed fifteen (15) pCi/L.

B. The gross alpha measurement shall have a confidence interval of ninety-five percent (95%) ( $1.65\sigma$ , where  $\sigma$  is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a system uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, one-half (1/2) the detection limit will be used to determine compliance and the future monitoring frequency.

*AUTHORITY: section 640.100, RSMo [2000] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Rescinded and readopted: Filed Jan. 16, 2002, effective Nov. 30, 2002. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 60—Safe Drinking Water Commission**

#### **Chapter 4—Contaminant Levels and Monitoring**

### **PROPOSED AMENDMENT**

**10 CSR 60-4.080 Operational Monitoring.** The department is removing language from the Editor's Note and incorporating a document by reference in 10 CSR 60-2.015 (2)(M)8; amending section (3); updating and replacing the Operational Testing chart and format with a new chart; removing sections (4) and (10) and renumbering thereafter; and amending section (9).

*PURPOSE: The amendment removes the Editor's Note for documents incorporated by reference, reduces some monitoring frequency requirements for public water systems and removes language that is redundant of section 640.120.5, RSMo.*

*[Editor's Note: The following material is incorporated into this rule by reference:*

*1) Methods for Chemical Analysis of Water and Wastes, Revised March 1983 (Springfield VA: U.S. Department of Commerce, 1983;*

*2) Standard Methods for the Examination of Water and Wastewater, 18th Edition (Baltimore, MD, Victor Graphics, Inc., 1992).*

*In accordance with section 536.013(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.]*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(2) Automatic instrumentation may be used if properly installed, maintained and periodically calibrated against known standards prepared in accordance with *Standard Methods for the Examination of Water and Wastewater 1992, [American Public Health Association, 18th edition, New York, NY] 18th edition, or Methods for Chemical Analysis of Water and Wastes, [Environmental Monitoring Support Laboratory, USEPA, Cincinnati, OH 45268, EPA-600/4-79-020.] published in March 1983 by the Environmental Protection Agency's (MCAWW, Section 9.3, EPA/600/479/020, Cincinnati, OH). This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the U.S. Government Printing Office at 732 North Capitol Street NW, Washington, D.C., 20401, toll free at (866)512-1800 or by visiting <https://bookstore.gpo.gov>.*

(3) Sufficient analyses must be done to assure control of water quality, the following requirements notwithstanding. Continuous monitoring and recording may be used for any operational analysis instead of grab sampling provided that the requirements of section (2) are met. For those analyses where continuous monitoring is required, if there is a failure in the continuous monitoring equipment, grab sampling every *[two (2)] four (4)* hours of operation may be conducted in lieu of continuous monitoring but for no more than five (5) working days following the failure of the equipment. Applicable analyses and testing frequencies are as follows:

Test	Frequency	Sample Location	Treatment	Treatment	Treatment	Treatment
Alkalinity	As necessary for control	Raw Water	Clarification	Lime Softening		
Alkalinity	As necessary for control	Entry to distribution system	Clarification	Lime Softening		
Disinfection residual (1)	Continuous	Entry to distribution system				
Disinfection residual (2)	Daily	Entry to distribution system				
Disinfection residual (3)	At time of total coliform sampling	Total coliform sampling points				
Disinfection residual (4)	Monday-Friday, excluding federal holidays and days not serving water to the public	Entry to distribution system				
Disinfection residual	Start up and every 2 hours of operation	Filter influent and effluent	Clarification	Lime softening		
Fluoride (if compounds added)	Daily	Entry to distribution system	Fluoride adjustment			
Fluoride (if compounds added)	Quarterly	Representative point in distribution system	Fluoride adjustment			
Hardness (5)	Monday-Friday, excluding federal holidays and days not serving water to the public	Entry to distribution system	Ion Exchange softening			
Hardness	Daily	Entry to distribution system		Clarification	Lime Softening	
Hardness	As necessary for control		Ion Exchange softening			
Iron	As necessary for control	Filter influent and effluent	Iron removal	Clarification	Lime softening	
pH	As necessary for control	Entry to distribution system	Iron removal	Clarification	Lime softening	
pH	As necessary for control	Raw water	Clarification			
pH	As necessary for control	Filter effluent	Iron removal			
pH	As necessary for control	Primary and secondary basins	Lime softening			
pH(7)	As necessary for control	Entry to distribution system				

Phosphate (6)	As necessary for control	Downstream from point of application				
Sludge Concentration (9)	As necessary for control	Center cone and sludge blowoff and sample taps	Clarification	Lime softening		
Temperature (7)	As necessary for control	Entry to distribution system	Disinfection	Iron removal	Clarification	Lime softening
Turbidity(8)	Every four (4) hours	Combined filter effluent				
Turbidity (8)	continuously	Individual filter effluent				
Turbidity	As necessary for control	Entry point to distribution and filter influent	Iron removal	Clarification	Lime softening	

- (1) Surface water and Groundwater under the Direct influence of surface water and compliance monitoring systems under 10 CSR 60-4.025 serving >3,300 population.
- (2) Surface water, ground water under the direct influence of surface water and compliance monitoring systems under 10 CSR 60-4.025 serving <3,300 population. Lime softening, iron removal and systems directed by a compliance agreement to disinfect.
- (3) All public water systems that add a chlorine disinfectant.
- (4) Systems not required to disinfect. This excludes Surface water, Ground water under the direct influence of surface water, compliance monitoring systems under 10 CSR 60-4.025, lime softening, iron removal and systems directed by a compliance agreement to disinfect. An alternate frequency may be agreed upon in writing by the water system and the department, if warranted.
- (5) If ion exchange softening is required of water system to meet national primary drinking water standards (ie. lead, radionuclides).
- (6) If phosphate compounds are added to the water.
- (7) Surface water and Groundwater under the Direct influence of surface water and compliance monitoring systems under 10 CSR 60-4.025.
- (8) Surface water and Groundwater under the Direct influence of surface water.
- (9) For facilities utilizing solids contact basins.

[(4)] The department, at its discretion, may conduct routine inspections of any public water system or make other necessary inspections to determine compliance with these rules.]

[(5)](4) If, after investigation, the department finds that any public water system is incompetently supervised, improperly operated, inadequate, of defective design or if the water fails to meet standards established in these rules, the water supplier must implement changes that may be required by the department.

[(6)](5) Every supplier of water to a public water system must disinfect all newly constructed or repaired water distribution mains, finished water storage facilities or wells by methods acceptable to the department before being placed in or returned to service.

[(7)](6) All finished water reservoirs must be covered by a permanent, protective material, adequately vented with properly screened openings.

[(8)](7) Chemicals, materials and protective coatings used in public water systems must be acceptable to the department.

[(9)](8) Public water systems must maintain a minimum positive pressure of twenty pounds per square inch (20 psi) throughout the distribution system under all normal operating conditions.

[(10)] Within thirty (30) days, public water systems must inform the department of a change of the person in charge of the water system.]

[(11)](9) A supplier of water that adds fluoride to the water system must submit [two (2) samples per month] one (1) sample per quarter for analyses to [the Department of Health Laboratory or another] an approved laboratory.

**AUTHORITY:** section 640.100, RSMo [1994] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment

period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 4—Contaminant Levels and Monitoring**

**PROPOSED RESCISSION**

**10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection By-Products.** This rule established the maximum contaminant levels and monitoring requirements for total trihalomethanes and other disinfection by-products.

**PURPOSE:** This rule is being rescinded as the requirements for complying with this rule are set forth in 10 CSR 60-4.094.

**AUTHORITY:** section 640.100, RSMo Supp. 2008. Original rule filed April 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 4—Contaminant Levels and Monitoring**

**PROPOSED AMENDMENT**

**10 CSR 60-4.094 Disinfectant Residuals, Disinfection Byproduct Precursors and the Stage 2 Disinfectants/Disinfection [By-Products] Byproducts Rule.** The department is amending the title by correcting the word “byproducts” and everywhere thereafter, adding subpart L in the purpose statement, deleting sunset language from section (1)(C), moving subsections (1)(D) through (1)(E) to paragraphs (3)(A)5.-7., deleting sunset language from section (2), renumbering thereafter, moving the Routine Monitoring table from paragraph (2)(A)2. to (2)(C)2., adding language in subsection (1)(C) and continuing in subsections (2)(A), (2)(B), and (2)(C). The term “you” is being replaced to indicate the “system” as applicable starting in subparagraph (2)(C)1.A. Subsection (2)(B) is being deleted with renumbering thereafter. Parts (2)(C)1.B.(II) through subparagraph (2)(C)1.D. removes sunset language, adding language, and a correct citation. Moving subparagraph (2)(C)1.E., amending paragraphs (2)(C)3. Reduced Monitoring and (2)(C)4. Increased Monitoring, amending language in subsections (3)(A) through (3)(D), the Operational Evaluation Levels in subsection (3)(E) is

amended, and deleting language in sections (8) and (9) with the renumbering of section (10) to subsection (3)(F).

**PURPOSE:** The amendment corrects the purpose statement, removes language that has sunset, moves sections of 10 CSR 60-4.090 which is proposed to be rescinded, removes redundant language found in 10 CSR 60-5.010, adds clarifying language and corrects citations to other regulations.

**PURPOSE:** This rule establishes monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages for certain disinfection [by-products] **byproducts** and for achieving compliance with maximum residual disinfectant levels for chlorine and chloramine for certain consecutive systems. This rule incorporates the requirements of subparts L and V of 40 CFR part 141, Stage 2 Disinfectants/Disinfection [By-Products] **Byproducts**, published in the January 4, 2006, *Federal Register*.

(1) Stage 2 Disinfectants/Disinfection [By-Products] **Byproducts** (D/DBP) Rule General Requirements.

[(C) Compliance Schedules.

1. Systems must comply with the requirements in this rule on the following schedule. The department may grant up to an additional twenty-four (24) months beyond the deadlines specified below for compliance with maximum contaminant levels (MCL) and operational evaluation levels if capital improvements are required to comply with an MCL.

A. Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system.

(I) Systems serving  $\geq 100,000$  population must comply with this rule by April 1, 2012.

(II) Systems serving 50,000–99,999 population must comply with this rule by October 1, 2012.

(III) Systems serving 10,000–49,999 population must comply with this rule by October 1, 2013.

(IV) Systems serving  $< 10,000$  population must comply with this rule by October 1, 2013, if no *Cryptosporidium* monitoring is required under 10 CSR 60-4.052(2)(A)4. or October 1, 2014, if *Cryptosporidium* monitoring is required under 10 CSR 60-4.052(2)(A)4.

B. Other systems that are part of a combined distribution system. Consecutive system or wholesale system must comply with this rule at the same time as the system with the earliest compliance date in the combined distribution system.

2. Monitoring frequency is specified in paragraph (2)(A)2. of this rule.

A. If you are required to conduct quarterly monitoring, you must begin monitoring in the first full calendar quarter that includes the applicable compliance date in paragraph (1)(C)1. of this rule.

B. If you are required to conduct monitoring at a frequency that is less than quarterly, you must begin monitoring in the calendar month recommended in the *Initial Distribution System Evaluation (IDSE)* report prepared under *Standard Monitoring* or the *System Specific studies* in 40 CFR part 141 subpart U, incorporated by reference in 10 CSR 60-4.092, or the calendar month identified in the monitoring plan developed under section (3) of this rule no later than twelve (12) months after the compliance date in this table.

3. If you are required to conduct quarterly monitoring, you must make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four (4) quarters of data would cause the MCL to be exceeded regardless of the monitoring

results of subsequent quarters). If you are required to conduct monitoring at a frequency that is less than quarterly, you must make compliance calculations beginning with the first compliance sample taken after the compliance date.

4. For the purpose of the schedule in paragraph (1)(C)1. of this rule, the department may determine that the combined distribution system does not include certain consecutive systems based on factors such as receiving water from a wholesale system only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale system. The department may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivering water to a consecutive system only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive system.

*(D) Monitoring and Compliance.*

1. Systems required to monitor quarterly. To comply with MCLs in section 10 CSR 60-4.090(1)(D) you must calculate LRAAs for TTHM and HAA5 using monitoring results collected under this rule and determine that each LRAA does not exceed the MCL. If you fail to complete four (4) consecutive quarters of monitoring, you must calculate compliance with the MCL based on the average of the available data from the most recent four (4) quarters. If you take more than one (1) sample per quarter at a monitoring location, you must average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.

2. Systems required to monitor yearly or less frequently. To determine compliance with the Stage 2 D/DBP MCLs in subsection 10 CSR 60-4.090(1)(D), you must determine that each sample taken is less than the MCL. If any sample exceeds the MCL, you must comply with the requirements of section (6) of this rule. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

*(E) Violation.* You are in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if you fail to monitor.

*(2) Routine Monitoring.*

*(A) Monitoring.*

1. If you submitted an IDSE report, you must begin monitoring at the locations and months you have recommended in your IDSE report submitted under the monitoring location recommendations and chart in 40 CFR part 141 subpart U, which is incorporated by reference in 10 CSR 60-4.092, following the schedule in subsection (1)(C) of this rule, unless the department requires other locations or additional locations after its review. If you submitted a 40/30 certification or qualified for a very small system waiver under 40 CFR part 141 subpart U, which is incorporated by reference in 10 CSR 60-4.092, or you are a nontransient non-community water system serving less than ten thousand (10,000) population, you must monitor at the location(s) and dates identified in your monitoring plan under 10 CSR 60-4.090(3)(A)3., updated as required by section (3) of this rule.

2. You must monitor at no fewer than the number of locations identified in the following table.



## Stage 2 D/DBP Routine Monitoring

Source water type	Population size category	Monitoring Frequency <sup>1</sup>	Distribution system monitoring location total per monitoring period <sup>2</sup>
Surface water system or ground water under the direct influence of surface water:	< 500	Per year	2
	500–3,300	Per quarter	2
	3,301–9,999	Per quarter	2
	10,000–49,999	Per quarter	4
	50,000–249,999	Per quarter	8
	250,000–999,999	Per quarter	12
	1,000,000–4,999,999	Per quarter	16
	≥ 5,000,000	Per quarter	20
Ground water:	< 500	Per year	2
	500–9,999	Per year	2
	10,000–99,999	Per quarter	4
	100,000–499,999	Per quarter	6
	≥ 500,000	Per quarter	8

1 All systems must monitor during month of highest DBP concentrations.

2 Systems on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for surface water systems or ground water under the direct influence of surface water serving 500–3,300. Systems on annual monitoring and surface water systems or ground water under the direct influence of surface water serving 500–3,300 are required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the location with the highest TTHM and HAA5 concentrations, respectively. Only one (1) location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location (and month, if monitored annually).

3. If you are an undisinfected systems that begins using a disinfectant other than ultraviolet (UV) light after the dates in 40 CFR part 141 subpart U for complying with the Initial Distribution System Evaluation requirements, you must consult with the department to identify compliance monitoring locations for this rule. You must then develop a monitoring plan under section (3) of this rule that includes those monitoring locations.

(B) Analytical methods. You must use an approved method listed in 10 CSR 60-5.010 for TTHM and HAA5 analyses. Analyses must be conducted by laboratories that have received certification by Environmental Protection Agency (EPA) or the department as specified in 10 CSR 60-5.010.]

(C) Community water systems and nontransient noncommunity water systems must comply with maximum residual disinfectant levels (MRDLs), monitoring and compliance requirements of this rule, and the MCLs of 0.080 mg/L for total trihalomethanes (TTHM), 0.060 mg/L for haloacetic acids (five) (HAA5), 0.010 mg/L for bromate, and 1.0 mg/L for chlorite.

## (2) Monitoring Requirements

(A) Disinfectant Residuals, Chlorite, and Bromate Monitoring Requirements.

### 1. Chlorine and chloramines.

A. Routine monitoring. Community and nontransient noncommunity water systems must measure the residual disinfectant level at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in 10 CSR 60-4.022. Systems using surface water or ground water under the direct influence of surface water may use the results of residual

disinfectant concentration sampling conducted under 10 CSR 60-4.080(3) and 10 CSR 60-4.055(4), in lieu of taking separate samples.

B. Reduced monitoring. Monitoring may not be reduced.

### 2. Chlorine dioxide.

A. Routine monitoring. Community, nontransient noncommunity, and transient noncommunity water systems that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that detects chlorine dioxide, the system must take additional samples in the distribution system the following day in addition to the sample required at the entrance to the distribution system.

B. Additional monitoring. On each day following a routine sample monitoring result that detects chlorine dioxide, the system is required to take three (3) chlorine dioxide distribution system samples as close to the first customer as possible, at intervals of at least six (6) hours. If chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (that is, no booster chlorination), the system must take three (3) samples as close to the first customer as possible, at intervals of at least six (6) hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one (1) or more disinfection addition points after the entrance to the distribution system (that is, booster chlorination), the system must take one (1) sample at each of the following locations: as close to the first customer as possible; in a location representative of average residence time; and as close to the end of

the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring. Chlorine dioxide monitoring may not be reduced.

3. Chlorite.

A. Routine monitoring. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

(I) Daily Monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under the following subparagraph (2)(A)3.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by part (2)(A)3.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by part (2)(A)3.A.(II) of this rule may be reduced to one (1) three (3)-sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under part (2)(A)3.A.(II) of this rule has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subparagraph (2)(A)3.B. of this rule. The system may remain on the reduced monitoring schedule until either any of the three (3) individual chlorite samples taken quarterly in the distribution system under part (2)(A)3.A.(II) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under subparagraph (2)(A)3.B. of this rule, at which time the system must revert to routine monitoring.

4. Bromate.

A. Routine monitoring. Community and nontransient noncommunity systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring. A system required to analyze for bromate may reduce monitoring from monthly to quarterly, if the system's running annual average bromate concentration is less than or equal to 0.0025 mg/L based on monthly bromate measurements for the most recent four (4) quarters, with samples analyzed using Method 317.0 Revision 2.0, 326.0, or 321.8. If a system has qualified for reduced bromate monitoring, that system may remain on reduced monitoring as long as the running annual average of quarterly bromate samples is  $\leq 0.0025$  mg/L based on samples analyzed using Method 317.0 Revision 2.0, 326.0, or 321.8. If the running annual average bromate concen-

tration is  $>0.0025$  mg/L, the system must resume routine monitoring required by subparagraph (2)(A)4.A. of this rule.

(B) Disinfection Byproduct Precursors (DBPP) Monitoring Requirements.

1. Total Organic Carbon (TOC).

A. Routine Monitoring. Systems using surface water or ground water under the direct influence of surface water and using conventional filtration treatment must monitor each treatment plant for total organic carbon (TOC) no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. These systems must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all systems must monitor for alkalinity in the source water prior to any treatment. Systems must take one (1) paired sample and one (1) source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

B. Reduced monitoring. Systems using surface water or ground water under the direct influence of surface water with an average treated water TOC of less than 2.0 mg/L for two (2) consecutive years, or less than 1.0 mg/L for one (1) year, may reduce monitoring for both TOC and alkalinity to one (1) paired sample and one (1) source water alkalinity sample per plant per quarter. The system must revert to routine monitoring in the month following the quarter when the annual average treated water TOC greater than or equal to 2.0 mg/L.

2. Bromide. Systems required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly measurements for one (1) year. The system must continue bromide monitoring to remain on reduced bromate monitoring.

(C) Total Trihalomethane and Haloacetic Acid Monitoring Requirements.

1. General Requirements.

A. Undisinfected systems that begins using a disinfectant other than ultraviolet (UV) light must consult with the department to identify compliance monitoring locations for this rule. Systems must then develop a monitoring plan that includes those monitoring locations.

[(3)/B. Stage 2 D/DBP *[Rule]* Compliance Monitoring Plan.

[(A)/(I) Developing and implementing a monitoring plan.

[1. *You*] The system must develop and implement a monitoring plan to be kept on file for department and public review. Unless otherwise directed by the department, *[T]*the monitoring plan must contain the following elements and be complete no later than the date *[you conduct your]* initial monitoring under this rule is conducted:

*[A.](a)* Monitoring locations;

*[B.](b)* Monitoring dates;

*[C.](c)* Compliance calculation procedures; and

*[D.](d)* Monitoring plans for any other systems in the combined distribution system if the department has reduced monitoring requirements.

[2. *If you were not required to submit an IDSE report under either Standard Monitoring or System Specific Studies in 40 CFR part 141 subpart U, and you do not have sufficient Stage 1 D/DBP rule monitoring locations to identify the required number of Stage 2 D/DBP rule compliance monitoring locations indicated in the Monitoring Location Recommendations table in 40 CFR part 141 subpart U, you must identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified. You must also provide the rationale for*

identifying the locations as having high levels of TTHM or HAA5. If you have more Stage 1 D/DBP rule monitoring locations than required for Stage 2 D/DBP rule compliance monitoring, detailed in the Monitoring Location Recommendations table in 40 CFR part 141 subpart U, you must identify which locations you will use for Stage 2 D/DBP rule compliance monitoring by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of Stage 2 D/DBP rule compliance monitoring locations have been identified.

(B) If you are a surface water system or ground water under the direct influence of surface water system serving greater than three thousand three hundred ( $>3,300$ ) people, you must submit a copy of your monitoring plan to the department prior to the date you conduct your initial monitoring under this rule, unless your IDSE report submitted under 40 CFR part 141 subpart U contains all the information required by section (3) of this rule.]

(II) The system must identify which locations to use for Stage 2 D/DBP rule compliance monitoring by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of Stage 2 D/DBP rule compliance monitoring locations have been identified.

(III) The system must submit a copy of the monitoring plan to the department prior to the date the system conducts the initial monitoring under this rule.

[(C)](IV) [You] A system may revise [your] the monitoring plan to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for department-approved reasons, after consultation with the department regarding the need for changes and the appropriateness of changes. If [you] the system changes monitoring locations, [you] the system must replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The department may also require modifications in [your] the system's monitoring plan. [If you are a surface water system or ground water under the direct influence of surface water system serving greater than three thousand three hundred ( $>3,300$ ) people, you] The system must submit a copy of [your] the modified monitoring plan to the department prior to the date [you are] the system is required to comply with the revised monitoring plan.

C. Monitoring must begin at the locations and months the system has recommended in the Stage 2 D/DBP Compliance Monitoring Plan unless the department requires other locations or additional locations after its review.

D. Analytical methods. The system must use an approved method listed in 10 CSR 60-5.010 for TTHM and HAA5 analyses. Analyses must be conducted by laboratories that have received certification by Environmental Protection Agency (EPA) or the department as specified in 10 CSR 60-5.020.

E. Additional Requirements for Consecutive Systems. If the system is a consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, the system must comply with analytical and monitoring requirements for chlorine and chloramines in 10 CSR 60-5.010 and 10 CSR 60-4.055(4)(E), the compliance requirements in 10 CSR 60-4.094(3)(B.)1. and report monitoring results under 10 CSR 60-7.010(5)(B).

Stage 2 D/DBP Routine Monitoring

Source water type	Population size category	Monitoring Frequency <sup>1</sup>	Distribution system monitoring location total per monitoring period <sup>2</sup>
Surface water system or ground water under the direct influence of surface water:	<500	Per year	2
	500–3,300	Per quarter	2
	3,301–9,999	Per quarter	2
	10,000–49,999	Per quarter	4
	50,000–249,999	Per quarter	8
	250,000–999,999	Per quarter	12
	1,000,000–4,999,999	Per quarter	16
	5,000,000	Per quarter	20
	<500	Per year	2
	500–9,999	Per year	2
Ground water:	10,000–99,999	Per quarter	4
	100,000–499,999	Per quarter	6
	500,000	Per quarter	8
	<500	Per year	2

<sup>1</sup> All systems must monitor during month of highest DBP concentrations.

<sup>2</sup> Systems on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for surface water systems or ground water under the direct influence of surface water serving 500–3,300. Groundwater systems serving 500–9,999 on annual monitoring must take dual sample sets at each monitoring location. All other systems on annual monitoring and surface water systems or ground water under the direct influence of surface water serving 500–3,300 are required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the location with the highest TTHM and HAA5 concentrations, respectively. For systems serving fewer than five hundred (500) people, one (1) location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location.

[(4)]2. Reduced Monitoring.

A. Monitoring requirements for source water TOC. In order to qualify for reduced monitoring for TTHM and HAA5, surface water and ground water under the direct influence of surface water (GWUDISW) systems not monitoring under the TOC reduced monitoring provisions, must take monthly TOC samples every thirty (30) days at a location prior to any treatment. Once qualified for reduced monitoring for TTHM and HAA5, a system may reduce source water TOC monitoring to quarterly TOC samples taken every ninety (90) days at a location prior to any treatment.

[(A)]B. [You] The system may reduce monitoring [to the level specified in this subsection (4)(A)] any time the LRAA is  $\leq 0.040$  mg/L for TTHM and  $\leq 0.030$  mg/L for HAA5 at all monitoring locations. [You may only use data collected under the provisions of this rule or the Stage 1 D/DBP rule to qualify for reduced monitoring.] In addition, the source water annual average [total organic carbon (TOC)] level, before any treatment, must be  $\leq 4.0$  mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water[, based on monitoring conducted under either 10 CSR 60-4.090(3)(B) 1.C. or 10 CSR 60-4.090(3)(D)].

## Stage 2 D/DBP Reduced Monitoring

Source water type	Population size category	Monitoring Frequency <sup>1</sup>	Distribution system monitoring location per monitoring period
Surface water system or ground water under the direct influence of surface water:	< 500	.....	Monitoring may not be reduced.
	500–3,300	Per year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	3,301–9,999	Per year	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement; and one at the location and during the quarter with the highest HAA5 single measurement.
	10,000–49,999	Per quarter	2 dual sample sets at the locations with the highest TTHM and highest HAA5 LRAAs.
	50,000–249,999	Per quarter	4 dual sample sets—at the locations with the two highest TTHM and two highest HAA5 LRAAs.
	250,000–999,999	Per quarter	6 dual sample sets—at the locations with the three highest TTHM and three highest HAA5 LRAAs.
	1,000,000–4,999,999	Per quarter	8 dual sample sets—at the locations with the four highest TTHM and four highest HAA5 LRAAs.
	≥ 5,000,000	Per quarter	10 dual sample sets—at the locations with the five highest TTHM and five highest HAA5 LRAAs.
	Ground water:	Every third year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	< 500	Every third year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	500–9,999	Per year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	10,000–99,999	Per year	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement; and one at the location and during the quarter with the highest HAA5 single measurement.
	100,000–499,999	Per quarter	2 dual sample sets; at the locations with the highest TTHM and highest HAA5 LRAAs.
	≥ 500,000	Per quarter	4 dual sample sets at the locations with the two highest TTHM and two highest HAA5 LRAAs.

<sup>1</sup>Systems on quarterly monitoring must take dual sample sets every 90 days.

**[(B)]C. [You] The system** may remain on reduced monitoring as long as the TTHM LRAA  $\leq 0.040$  mg/L and the HAA5 LRAA  $\leq 0.030$  mg/L at each monitoring location (for systems with quarterly reduced monitoring) or each TTHM sample  $\leq 0.060$  mg/L and each HAA5 sample  $\leq 0.045$  mg/L (for systems with annual or less frequent monitoring). In addition, the source water annual average TOC level, before any treatment, must be  $\leq 4.0$  mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, *based on monitoring conducted under either 10 CSR 60-4.090 (3)(B)1.C. or 10 CSR 60-4.090(3)(D)1.*

**[(C)]D.** If the LRAA based on quarterly monitoring at any monitoring location exceeds either 0.040 mg/L for TTHM or 0.030 mg/L for HAA5 or if the annual (or less frequent) sample at any location exceeds either 0.060 mg/L for TTHM or 0.045 mg/L for HAA5, or if the source water annual average TOC level, before any treatment,  $> 4.0$  mg/L at any treatment plant treating surface water or ground water under the direct influence of surface water, *[you] the system* must resume routine monitoring under section 10 CSR 60-4.094(2)(C)2. or begin increased monitoring if *[section] paragraph 10 CSR 60-4.094[(6)](2)(C)4.* applies.

**[(D)]E.** The department may return *[your] the system* to routine monitoring at the department's discretion.

*[(5) Additional Requirements for Consecutive Systems. If you are a consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, you must comply with analytical and monitoring requirements for chlorine and chloramines in 10 CSR 60-5.010 and 10 CSR 60-4.055(4)(E) and the compliance requirements in 10 CSR 60-4.090(4)(C)1. beginning April 1, 2009, unless required earlier by the department, and report monitoring results under 10 CSR 60-7.010(6)(C).]*

**[(6)]3. [Conditions Requiring] Increased Monitoring.**

**[(A)]A.** If *[you are] the system* is required to monitor at a particular location annually or less frequently than annually under *[section (2) or (4)] routine or reduced monitoring* of this rule, *[you] the system* must increase monitoring to dual sample sets once per quarter (taken every ninety (90) days) at all locations if a TTHM sample is  $> 0.080$  mg/L or an HAA5 sample is  $> 0.060$  mg/L at any location.

**[(B)]B. [You are] The system** is in violation of the MCL when the LRAA exceeds the Stage 2 D/DBP rule MCLs in *[subsection] subparagraph 10 CSR [60-4.090[(1)(D)]60-4.094(3)(D)3.A.,* calculated based on four (4) consecutive quarters of monitoring (or the LRAA calculated based on fewer than four (4) quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters). *[You are] The system* is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if *[you] the system* fails to monitor.

**[(C)]C. [You] The system** may return to routine monitoring once *[you have] the system* has conducted increased monitoring for at least four (4) consecutive quarters and the LRAA for every monitoring location is  $\leq 0.060$  mg/L for TTHM and  $\leq 0.045$  mg/L for HAA5.

### (3) Compliance Requirements.

#### (A) General Requirements.

1. Where compliance is based on a locational running annual average (LRAA) or running annual average (RAA) of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

2. Where compliance is based on a running annual average

of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

3. All samples taken and analyzed under the provisions of this rule must be included in determining compliance, even if that number is greater than the minimum required.

4. If, during the first year of monitoring, any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system is out of compliance at the end of that quarter.

5. Systems required to monitor quarterly. To comply with MCLs in paragraph 10 CSR 60-4.094(2)(C)1. the system must calculate LRAAs for TTHM and HAA5 using monitoring results collected under this rule and determine that each LRAA does not exceed the MCL. If the system fails to complete four (4) consecutive quarters of monitoring, the system must calculate compliance with the MCL based on the average of the available data from the most recent four (4) quarters. If the system takes more than one (1) sample per quarter at a monitoring location, the system must average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.

6. Systems required to monitor yearly or less frequently. To determine compliance with the Stage 2 D/DBP MCLs in subparagraph 10 CSR 60-4.094(3)(D)3.A., the system must determine that each sample taken is less than the MCL. If any sample exceeds the MCL, the system must comply with the requirements of increased monitoring of this rule. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

7. Violation. If a system fails to monitor, the system is in violation of the monitoring requirements for each quarter or monitoring period that a monitoring result would be used in calculating a LRAA for TTHM and HAA5 or RAA for bromate or chlorite.

#### (B) Disinfectant Residuals, Chlorite, and Bromate.

##### 1. Chlorine and chloramines.

A. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under paragraph (2)(A)1. of this rule. If the average covering any consecutive four (4)-quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to 10 CSR 60-7.010(5) must clearly indicate which residual disinfectant was analyzed for each sample.

##### 2. Chlorine dioxide.

A. Acute violations. Compliance must be based on consecutive daily samples collected by the system under subparagraph (2)(A)2.A. of this rule. If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (1) (or more) of the three (3) samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in 10 CSR 60-8.010(2), in addition to reporting to the department pursuant to 10 CSR 60-7.010. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be

considered an MRDL violation and the system must notify the public of the violation in accordance with the provisions for acute violations under 10 CSR 60-8.010(2), in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. Nonacute violations. Compliance must be based on consecutive daily samples collected by the system in compliance with this rule.

(I) If any two (2) consecutive daily samples taken at the entrance to the distribution system detect chlorine dioxide, the system must take corrective action to lower the chlorine dioxide level.

(II) If any two (2) consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and notify the public pursuant to the procedures for nonacute health risks in 10 CSR 60-8.010(3), in addition to reporting to the department pursuant to 10 CSR 60-7.010. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for nonacute violations in 10 CSR 60-8.010(3), in addition to reporting to the department pursuant to 10 CSR 60-7.010.

(C) Disinfection Byproduct Precursors (DBPP).

1. Systems using surface water or ground water under the direct influence of surface water and using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in this rule unless the system meets at least one (1) of the alternative compliance criteria listed here. These systems must still comply with monitoring and compliance requirements of this rule. The alternative compliance criteria for enhanced coagulation and enhanced softening are:

A. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, calculated quarterly as a running annual average;

B. The system's treated water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, calculated quarterly as a running annual average;

C. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to 10 CSR 60-5.010, is greater than sixty (60) mg/L (as  $\text{CaCO}_3$ ), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance with this rule, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance with this rule to use technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the department for approval not later than the effective date for compliance with this rule. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation;

D. The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system;

E. The system's source water SUVA, prior to any treatment and measured monthly according to 10 CSR 60-5.010, is

less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average. SUVA refers to Specific Ultraviolet Absorption at two hundred fifty-four nanometers (254 nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm ( $\text{UV}_{254}$ ) (in  $\text{m}^{-1}$ ) by its concentration of dissolved organic carbon (DOC) (in mg/L); and

F. The system's finished water SUVA, measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

2. Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the Step 1 TOC removals may use the alternative compliance criteria listed here in lieu of complying with paragraph (3)(C)3. of this rule. Systems must still comply with monitoring and compliance requirements of this rule.

A. Softening that results in lowering the treated water alkalinity to less than sixty (60) mg/L (as  $\text{CaCO}_3$ ), measured monthly according to 10 CSR 60-5.010 and calculated quarterly as a running annual average.

B. Softening that results in removing at least ten (10) mg/L of magnesium hardness (as  $\text{CaCO}_3$ ), measured monthly according to 10 CSR 60-5.010 and calculated quarterly as an annual running average.

3. Enhanced coagulation and enhanced softening performance requirements.

A. Systems must achieve the percent reduction of TOC specified in Table 1 between the source water and the combined filter effluent, unless the department approves a system's request for alternate minimum TOC removal (Step 2) requirements. Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet Step 1 TOC removals, if the value calculated under part (3)(C)4.A.(IV) of this rule is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to 10 CSR 60-8.010 in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 10 CSR 60-5.010. Systems practicing softening are required to meet the Step 1 TOC reductions in the far right column (Source water alkalinity > 120 mg/L) for the specified source water TOC.

Table 1: Required Step 1 TOC Reduction

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Surface Water and GWUDISW Systems Using Conventional Treatment <sup>1,2</sup>			
Source water TOC, mg/L	Source water alkalinity, mg/L as $\text{CaCO}_3$		
	0-60	>60-120	>120 <sup>3</sup>
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

<sup>1</sup>Systems meeting at least one (1) of the conditions in paragraph (3)(C)1. of this rule are not required to operate with enhanced



coagulation.

<sup>2</sup>Softening systems meeting one (1) of the alternative compliance criteria in paragraph (3)(C)1. of this rule are not required to operate with enhanced softening.

<sup>3</sup>Systems practicing softening must meet the TOC removal requirements in this column.

C. Conventional treatment systems using surface water or ground water under the direct influence of surface water that cannot achieve the Step 1 TOC removals due to water quality parameters or operational constraints must apply to the department, within three (3) months of failure to achieve the Step 1 TOC removals, for approval of alternative minimum TOC removal (Step 2) requirements submitted by the system. If the department approves the alternative minimum TOC removal (Step 2) requirements, the department may make those requirements retroactive for the purposes of determining compliance. Until the department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals.

D. Alternate minimum TOC removal (Step 2) requirements. Applications made to the department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under subparagraph (3)(C)3.C. of this rule must include, as a minimum, results of bench- or pilot-scale testing conducted under this subparagraph (3)(C)3.D. and used to determine the alternate enhanced coagulation level.

(I) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described here such that an incremental addition of ten (10) mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the department, this minimum requirement supersedes the minimum TOC removal required by Table 1 of this rule. This requirement will be effective until such time as the department approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve department-set alternative minimum TOC removal levels is a violation.

(II) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in Table 2.

Table 2: Enhanced Coagulation  
Step 2 Target pH

Alkalinity (mg/L as CaCO <sub>3</sub> )	Target pH
0-60	5.5
>60-120	6.3
>120-240	7.0
>240	7.5

(III) For waters with alkalinities of less than sixty (60) mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.

(IV) The system may operate at any coagulant dose or pH necessary (consistent with other regulatory requirements) to achieve the minimum TOC percent removal approved under subparagraph (3)(C)3.C. of this rule.

(V) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all

dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the department for a waiver of enhanced coagulation requirements.

#### 4. Compliance calculations.

A. Systems using surface water or ground water under the direct influence of surface water, other than those identified in paragraphs (3)(C)1. or (3)(C)2. of this rule, must comply with requirements contained in subparagraphs (3)(C)3.B. or (3)(C)3.C. of this rule. Systems must calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method:

- (I) Determine actual monthly TOC percent removal, equal to:  $(1 - (\text{treated water TOC}/\text{source water TOC})) \times 100$ ;
- (II) Determine the required monthly TOC percent removal;
- (III) Divide the value in part (3)(C)4.A.(I) by the value in part (3)(C)4.A.(II); and
- (IV) Add together the results of part (3)(C)4.A.(III) for the last twelve (12) months and divide by twelve (12). If the value calculated is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

B. Systems may use the following provisions in lieu of the calculations in subparagraph (3)(C)4.A. of this rule to determine compliance with TOC percent removal requirements:

- (I) In any month that the system's treated or source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/L, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (3)(C)4.A.(III) of this rule);
- (II) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as CaCO<sub>3</sub>), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (3)(C)4.A.(III) of this rule);
- (III) In any month that the system's source water SUVA, prior to any treatment and measured according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (3)(C)4.A.(III) of this rule);
- (IV) In any month that the system's finished water SUVA, measured according to 10 CSR 60-5.010, is less than or equal to 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (3)(C)4.A.(III) of this rule); and

(V) In any month that a system practicing enhanced softening lowers alkalinity below sixty (60) mg/L (as CaCO<sub>3</sub>), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (3)(C)4.A.(III) of this rule).

C. Systems using conventional treatment and surface water or ground water under the direct influence of surface water may also comply with the requirements of this rule by meeting the criteria in paragraphs (3)(C)1. or (3)(C)2. of this rule.

#### (D) Disinfection Byproducts.

1. Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by paragraph (2)(A)4. of this rule. If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010. If a PWS fails to complete twelve (12) consecutive months' monitoring, compliance with the MCL for the last four (4)-quarter compliance period must be based on an average of the available data.

2. Chlorite. Compliance must be based on an arithmetic average of each three (3) sample set taken in the distribution system as prescribed by item (2)(A)3.C.(II) and subparagraph

(2)(A)3.B. of this rule. If the arithmetic average of any three (3) sample set exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

### 3. Total Trihalomethane (TTHM) and Haloacetic Acid (HAA).

A. Stage 2 Disinfectants/Disinfection Byproducts—Locational Running Annual Average (LRAA) Compliance. The MCLs of 0.080 mg/L for TTHM and 0.060 mg/L for HAA5 must be complied with as a locational running annual average at each monitoring location.

B. If the system is required to conduct quarterly monitoring, the system must make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four (4) quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters). If the system is required to conduct monitoring at a frequency that is less than quarterly, the system must make compliance calculations beginning with the first compliance sample taken after the compliance date.

C. The department may determine that the combined distribution system does not include certain consecutive systems based on factors such as receiving water from a wholesale system only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale system. The department may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivering water to a consecutive system only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive system.

#### [(7)](E) Operational Evaluation Levels.

[(A)]1. *[You have]* The system has exceeded the operational evaluation level at any monitoring location where the sum of the two (2) previous quarters of TTHM results plus twice the current quarter's TTHM result, divided by four (4) to determine an average, exceeds 0.080 mg/L, or where the sum of the two (2) previous quarters of HAA5 results plus twice the current quarter's HAA5 result, divided by four (4) to determine an average, exceeds 0.060 mg/L.

#### [(B)]2. If Operational Evaluation Levels are Exceeded.

[(1.A.)] If *[you]* the system exceeds the operational evaluation level, *[you]* the system must conduct an operational evaluation and submit a written report of the evaluation to the department no later than ninety (90) days after being notified of the analytical result that causes *[you]* the system to exceed the operational evaluation level. The written report must be made available to the public upon request.

[(2.B.)] *[Your]* The system's operational evaluation must include an examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedences.

[(A.)(I)] *[You]* The system may request and the department may allow *[you to]* a limit to the scope of *[your]* the evaluation if *[you are]* the system is able to identify the cause of the operational evaluation level exceedence.

[(B.)(II)] *[Your]* The system's request to limit the scope of the evaluation does not extend the schedule in *[paragraph (7)(B)1.]* subparagraph (3)(E)2.A. of this rule for submitting the written report. The department must approve this limited scope of evaluation in writing, and *[you]* the system must keep that approval with the completed report.

[(8) Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based on Stage 1 D/DBP Rule Results.

*You may remain on reduced monitoring after the dates identified in subsection (1)(C) of this rule for compliance with this rule only if you qualify for a 40/30 certification under 40 CFR part 141 subpart U or have received a very small system waiver under 40 CFR part 141 subpart U, plus you meet the reduced monitoring criteria in subsection (4)(A) of this rule, and you do not change or add monitoring locations from those used for compliance monitoring under the Stage 1 D/DBP rule. If your monitoring locations under this rule differ from your monitoring locations under the Stage 1 D/DBP rule, you may not remain on reduced monitoring after the dates identified in subsection (1)(C) for compliance with this rule.*

[(9) Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based on Stage 1 D/DBP Rule Results. *If you were on increased monitoring under 10 CSR 60-4.090(3)(B)1., you must remain on increased monitoring until you qualify for a return to routine monitoring under subsection (6)(C) of this rule. You must conduct increased monitoring under section (6) of this rule at the monitoring locations in the monitoring plan developed under section (3) of this rule beginning at the date identified in subsection (1)(C) of this rule for compliance with this rule and remain on increased monitoring until you qualify for a return to routine monitoring under subsection (6)(C) of this rule.]*

[(10)](F) Stage 2 D/DBP Reporting and Record-Keeping Requirements.

[(A)]1. Reporting requirements are found in 10 CSR 60-7.010, Reporting Requirements.

[(B)]2. Record-keeping requirements are found in 10 CSR 60-9.010, Requirements for Maintaining Public Water System Records.

**AUTHORITY:** section 640.100, RSMo [Supp. 2008] 2016. Original rule filed Feb. 27, 2009, effective Oct. 30, 2009. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 4—Contaminant Levels and Monitoring

### PROPOSED AMENDMENT

**10 CSR 60-4.100 Maximum Volatile Organic Chemical Contaminant Levels and Monitoring Requirements.** The department is removing sunset language in section (4) and renumbering thereafter; correcting citations in (5)(B); removing section (9) and renumbering thereafter.

*PURPOSE: The amendment will remove language that has sunset and correct other regulation citations.*

*[(4)] The department may allow the use of monitoring data collected after January 1, 1988, to satisfy the initial base sampling requirements. If the initial monitoring for all contaminants has been completed by December 31, 1992, in accordance with the requirements of subsections (3)(B) and (C) of this rule, and the system did not detect any contaminants listed in section (2), then the system shall sample annually beginning in the initial compliance period.]*

*[(5)](4) If contaminants are not detected during the first three (3)-year compliance period, systems may decrease their sampling frequency beginning in the next year.*

(A) Groundwater systems must sample annually. After three (3) years of annual sampling and no previous detection, groundwater systems may reduce their sampling frequency to one (1) sample per compliance period.

(B) Surface water systems must sample annually after the initial sampling period if there are no contaminants detected in the initial sampling.

*[(6)](5) If contaminants are detected in any sample, then systems must sample quarterly beginning in the next quarter at each sampling point which resulted in a detection.*

(A) Groundwater systems must sample a minimum of two (2) quarters and surface water systems must sample a minimum of four (4) quarters to establish a baseline.

(B) If the MCL is exceeded, as described in subsection *[(6)](5)(E)* or (F) of this rule, then systems must sample quarterly beginning in the next quarter. Systems must sample a minimum of four (4) quarters to establish a baseline.

(C) If the baseline indicates a system's analytical results are reliably and consistently below the MCL, the department may reduce the system's sampling frequency to annually. (Annual sampling must be conducted during the quarter which previously yielded the highest analytical result.)

(D) Systems which have three (3) consecutive annual samples with no detection of a contaminant may apply to the department for a waiver.

(E) If a system conducts sampling more frequently than annually, the system will be in violation when the running annual average at any sampling point exceeds the MCL.

(F) If a system conducts sampling annually or on a less frequent basis, the system will be in violation when one (1) sample (or the average of the initial and confirmation samples) at any sampling point exceeds the MCL.

*[(7)](6) A public water system may apply to the department for susceptibility waivers from required sampling. Systems are eligible for reduced monitoring in the initial three (3)-year compliance period. Waivers are effective for two (2) compliance periods. The waiver must be renewed in subsequent compliance periods, or the system must conduct sampling as required by section (3) of this rule. A public water system may apply to the department for susceptibility waivers for reduced monitoring contingent on the conduct of a thorough vulnerability assessment as required by 10 CSR 60-6.060(3).*

(A) As a condition of the susceptibility waiver, a groundwater system must take one (1) sample at each sampling point during the time the waiver is effective (that is, one (1) sample during two (2) compliance periods or six (6) years) and update its vulnerability assessment by the end of the first compliance period. The department must confirm that the system is not vulnerable.

(B) Surface water systems must sample at a frequency determined by the department. A vulnerability assessment according to 10 CSR 60-6.060(3) must be required in subsequent compliance periods in order for the system to return to its nonvulnerable status.

(C) For the purposes of this section, detection is defined as greater than 0.0005 mg/l/L.

*[(8)](7) As determined by the department, confirmation samples may be required for either positive or negative results. If a confirmation sample is used, the compliance determination is based on the average of the results of both the confirmation sample and the initial sample.*

*[(9) Any public water system violating MCLs or monitoring and reporting requirements for any of the contaminants listed in section (2) of this rule must notify the department within seven (7) days and give public notice as required by 10 CSR 60-8.010.]*

*[(10)](8) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL or treatment technique within a period of time specified by the department. The system must also comply with the initial sampling frequencies specified by the department to ensure a system can demonstrate compliance with the MCL or treatment technique. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this rule.*

*AUTHORITY: section 640.100, RSMo [Supp. 2002] 2016. Original rule filed June 2, 1988, effective Aug. 31, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 6—Enforcement**

### **PROPOSED AMENDMENT**

**10 CSR 60-6.060 Waivers From Baseline Monitoring Requirements.** The department is adding language to section (1) and also removing language in (1); adding and removing language in (2); removing (2)(C); adding and removing language from (3); and adding and removing language from (3)(A)4.

*PURPOSE: This amendment removes the requirement that public water systems must submit requests for waivers that meet department specifications. It also removes incorrect citations due to rule rescissions.*

(1) Waivers may be granted by the department in accordance with the criteria in sections (2) and (3) of this rule. The department may initiate the evaluation and issue a waiver based on its evaluation of the criteria in sections (2) and (3) of this rule. A public water system may **submit a written request and supporting documentation for a**

waiver in accordance with sections (2) and (3) of this rule at any time if the department has not issued or denied a waiver. *[The request must be in writing, and the documentation submitted to support a request for a waiver from a public water system must be in a format specified by the department.]*

(2) Use waivers may be granted if it is determined that there has been no previous use of a contaminant within a given boundary, and that the public water supply system is in no danger of contamination from the specified contaminant. Use waivers are based on the use, or absence of use, of a potentially harmful contaminant within a given boundary. The boundary size will be determined by the department and can range from a single water system to statewide. Use waivers obtained for asbestos[, and synthetic organic chemicals [and unregulated chemicals] (SOCs) may relieve the system of any sampling requirements. Use waivers will not be granted for volatile organic chemicals listed in 10 CSR 60-4.100(2) or for inorganic chemicals listed in 10 CSR 60-4.030(1) other than asbestos.

(A) Asbestos listed in 10 CSR 60-4.030(1)[(B)]—Waivers from analysis for asbestos in a water system will be based on the existence of asbestos-cement piping within the water system or asbestos contamination within the source water. If any asbestos-cement piping is present in any part of the treatment/distribution system, or if the source water is known to or suspected to contain asbestos, waivers will not be granted.

(B) SOC listed in 10 CSR 60-4.040—Waivers from analysis for SOC in a water system will be based on knowledge of previous use (including transportation, storage, or previous disposal) within a given boundary. If a given SOC has been detected within a water system, a waiver will not be granted to that system.

*[(C) Unregulated organic chemicals listed in 10 CSR 60-4.110(2)(A)—Waivers from analysis for unregulated organic chemicals in a water system will be based on knowledge of previous use (including transportation, storage or previous disposal) within a given boundary. If a given unregulated organic chemical has been detected within a water system, a waiver will not be granted.]*

(3) Susceptibility waivers may be granted in the form of reduced monitoring if all of the criteria in subsection (3)(A) are met. For assessing susceptibility **and examining criteria in paragraphs (3)(A)2. and 3.**, the minimum boundary area will be a radius of one-quarter (1/4) of a mile about groundwater well head(s) or the watershed area(s) of a surface water source *[and shall be used when examining criteria in paragraphs (3)(A)2. and 3]*. Susceptibility waivers may be granted for SOC listed in 10 CSR 60-4.040(1) including polychlorinated biphenyls (PCBs), volatile organic chemicals (VOCs) listed in 10 CSR 60-4.100(2), *[unregulated chemicals listed in 10 CSR 60-4.110(2)(A) and (B).]* and inorganic chemicals (IOC) listed in 10 CSR 60-4.030(1) except for nitrate and nitrite.

(A) Criteria for Susceptibility Waivers.

1. Previous analytical results show no detections.
2. The proximity of the system to a potential point or nonpoint source of contamination (that is, Superfund Amendments and Reauthorization Act (SARA) Title III hazardous waste site) is such that contamination is unlikely.
3. The environmental persistence of the contaminant is such that contamination is unlikely to occur due to the transport time, geographical, and geological characteristics.
4. The water source is protected from contamination by being constructed in a manner no less stringent than set forth for nonpublic wells in the Water Well Construction Code 10 CSR 23-3/.010—10 CSR 23-3.100 promulgated pursuant to the Missouri Water Well Drillers Act, section 256.600–256.640, RSMo.
5. The nitrate levels have been tested and it has been found that elevated nitrate levels indicating surface water intrusion do not exist.
6. The corrosive nature of the source water and the effectiveness

of the systems corrosion control program.

**AUTHORITY:** section 640.100, RSMo [Supp. 1992] 2016. Original rule filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed May 4, 1993, effective Jan. 13, 1994. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 6—Enforcement

### PROPOSED AMENDMENT

**10 CSR 60-6.070 Administrative Penalty Assessment.** The department is removing (1)(H) and (I); adding and removing language in (2)(B)1; adding a correct citation in (4); removing section (5) and renumbering section (6).

**PURPOSE:** Proposed amendments to this rule will remove duplicative statutory language and correcting citations identified during the Red Tape Reduction Initiative.

(1) General Provisions.

*[(H) Any final order imposing an administrative penalty is subject to judicial review upon the filing of a petition pursuant to section 536.100, RSMo, by any person subject to the administrative penalty. No judicial review shall be available, however, until all administrative remedies are exhausted.]*

*[(I) The director may elect to assess an administrative penalty, or, in lieu thereof, to request that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in the appropriate circuit court.]*

(2) Definitions.

(B) Additional definitions specific to this rule are as follows:

1. Conference, conciliation, and persuasion. A process of verbal or written communications consisting of meetings, reports, correspondence, or telephone conferences between authorized representatives of the department and the alleged violator. The process *[shall]*, at a minimum, **will** consist of one (1) offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator *[shall]* **will** negotiate in good faith to eliminate the alleged violation and *[shall]* attempt to agree upon a plan to achieve compliance;

2. Gravity-based assessment. The degree of seriousness of a violation taking into consideration the risk to human health or the environment posed by violations of sections 640.100 to 640.140, RSMo, and associated rules and permits;

3. Major violation. A violation that poses or may pose a substantial risk to human health or to the environment, or has or may have a substantial adverse effect on the purposes of or procedures for implementing the law and associated rules or permits;

4. Minor violation. A violation that poses a small potential to harm the environment or human health or cause pollution, and was not knowingly committed;

5. Moderate violation. A violation that poses or may pose a significant risk to human health or to the environment, or has or may have a significant adverse effect on the purposes of or procedures for implementing the law and associated rules or permits;

6. Multiple violation penalty. The sum of individual administrative penalties assessed when two (2) or more violations are included in the same complaint or enforcement action;

7. Multi-day violation. A violation that has occurred on or continued for two (2) or more consecutive or nonconsecutive days; and

8. Potential for harm. The extent to which a violation poses a risk to human health or the environment or has a substantial adverse effect on the purposes of or procedures for implementing the law and associated rules or permits.

(4) Payment of Penalty. The proceeds from any administrative penalty assessed in accordance with this rule shall be paid to the county treasurer of the county in which the violation(s) occurred for the use and benefit of the county public schools, in accordance with section 7 of article IX of the Missouri Constitution. An administrative penalty shall be paid within sixty (60) days from the date of issuance of the order assessing the penalty, unless appealed per section *[(5) of this rule]* **621.250, RSMo**. Any person who fails to pay an administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen percent (15%) of the penalty plus ten percent (10%) per annum on any amounts owed. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

*[(5) Appeal Process. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under section 640.131, RSMo, and that the person subject to the penalty may appeal as provided by this section. Any such order which fails to state the law or regulation under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty. Should any person subject to an administrative penalty want to appeal the penalty, that person shall appeal to the Safe Drinking Water Commission within thirty (30) days of the date of issuance of the order assessing the penalty. Any appeal shall stay the due date of such administrative penalty until the appeal is resolved.]*

*[(6)](5) Natural Resource Damages. Nothing in this rule shall be construed as satisfying any claims by the state or federal government for natural resource damages.*

**AUTHORITY:** sections 640.100 and 640.131, RSMo [Supp. 1998] **2016**. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition

to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 7—Reporting**

### **PROPOSED AMENDMENT**

**10 CSR 60-7.010 Reporting Requirements.** The department is amending section (1), removing section (4) and renumbering thereafter, correcting rule citations in (4)(B) and (C), adding language to (5), removing (5)(A) and renumbering thereafter, removing replacing incorrect language in the new (5)(A), (B) and (C), updating (6) with new rule citations, updating (6)(A) and (B) with new rule citations, updating (6)(C) and (7)(C) with new rule citations and renumbering thereafter.

**PURPOSE:** This amendment will correct rule citations due to amendments to 10 CSR 60-4.050 and 10 CSR 60-4.094 and the rescission of 10 CSR 60-4.090.

(1) General Information. Except where a shorter period is specified in this rule, the supplier of water shall report to the department the results of any test measurement or analysis, except operational analyses required by 10 CSR 60-4.080(3) other than those specified in sections (4) and *[(5)]* (6) of this rule, within the first ten (10) days following the month in which the result is received or the first ten (10) days following the end of the required monitoring period as stipulated by the department, whichever of these is shortest.

*[(4) Turbidity measurements as required by 10 CSR 60-4.080(3) must be reported within ten (10) days after the end of each month the system serves water to the public. Information that must be reported includes:*

*(A) The total number of filtered water turbidity measurements taken during the month;*

*(B) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 10 CSR 60-4.050; and*

*(C) The date and value of any turbidity measurements taken during the month which exceed five (5) nephelometric turbidity units (NTU).]*

*[(5)](4) Disinfection information must be reported within ten (10) days after the end of each month the system serves water to the public.*

*(A) Information that must be reported includes:*

1. For each day, the lowest measurement of residual disinfectant concentration in milligrams per liter (mg/L) in water entering the distribution system;

2. The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below **five tenths** (0.5) mg/L free chlorine or one (1) mg/L chloramines and when the department was notified of the occurrence; and

3. The following information on the samples taken in the distribution system:

A. Number of instances where the residual disinfectant concentration is measured;

B. Number of instances where the residual disinfectant concentration is not measured but the heterotrophic bacteria plate count

(HPC) is measured;

C. Number of instances where the residual disinfectant concentration is measured but is less than **two tenths** (0.2) mg/L and no HPC is measured;

D. Number of instances where residual disinfectant concentration is less than **two tenths** (0.2) mg/L and where the HPC is greater than five hundred per milliliter (HPC > 500/mL);

E. Number of instances where the residual disinfectant concentration is not measured and the HPC is greater than five hundred per milliliter (HPC > 500/mL); and

F. For the current and previous month the system serves water to the public, the value of V in the following formula:

$$V = \frac{(c + d + e) \times 100}{a + b}$$

where:

V = the percentage of time that the disinfectant residual is less than the required residual;

a = the value in subparagraph [(5)](4)(A)3.A. of this rule;

b = the value in subparagraph [(5)](4)(A)3.B. of this rule;

c = the value in subparagraph [(5)](4)(A)3.C. of this rule;

d = the value in subparagraph [(5)](4)(A)3.D. of this rule; and

e = the value in subparagraph [(5)](4)(A)3.E. of this rule.

(B) If the department determines, based upon site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory within the requisite time and temperature conditions specified in 10 CSR 60-5 and that the system is providing adequate disinfection in the distribution system, the requirements of paragraph [(5)](4)(A)3. do not apply.

(C) A system need not report the data listed in subsection [(5)](4)(A) of this rule if all of that data remains on file at the system and the department determines that the system has submitted all the information required by subsection [(5)](4)(A) of this rule for at least twelve (12) months.

**[(6)](5) Reporting and Record-Keeping Requirements for Disinfection By-Products and Enhanced Surface Water Treatment for community and nontransient noncommunity water systems using chlorine, chloramines, or chlorine dioxide and for transient noncommunity water systems using chlorine dioxide as a disinfectant or oxidant.**

**[(A) Compliance Dates.**

1. CWS and NTNCWS serving ten thousand (10,000) or more persons and using surface water or ground water under the direct influence of surface water must comply with these requirements beginning December 16, 2001.

2. CWS and NTNCWS serving fewer than ten thousand (10,000) persons and using surface water or ground water under the direct influence of surface water, and systems using only ground water not under the direct influence of surface water, must comply with these requirements beginning December 16, 2003.

3. Transient NCWSs serving ten thousand (10,000) or more persons and using surface water or ground water under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide and chlorite in this rule beginning December 16, 2001.

4. Transient NCWSs serving fewer than ten thousand (10,000) persons, using surface water or ground water under the direct influence of surface water, and using chlorine dioxide as a disinfectant or oxidant, and systems using only ground water and using chlorine dioxide as a disinfectant or oxidant, must comply with any requirements in this rule for chlorine dioxide and chlorite in this rule beginning December 16, 2003.]

**[(B)](A) Disinfection By-Products.** Systems must report the information specified in the following table:

If you are...	You must report... <sup>1</sup>
<i>[System monitoring for TTHM and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) on a quarterly or more frequent basis.]</i>	<ul style="list-style-type: none"> <li><i>[(1) The number of samples taken during the last quarter.</i></li> <li><i>(2) The location, date, and result of each sample taken during the last quarter.</i></li> <li><i>(3) The arithmetic average of samples taken in the last quarter.</i></li> <li><i>(4) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four (4) quarters.</i></li> <li><i>(5) Whether the MCL was exceeded.]</i></li> </ul>
<i>[System monitoring for TTHMs and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) less frequently than quarterly (but at least annually).]</i>	<ul style="list-style-type: none"> <li><i>[(1) The number of samples taken during the last quarter.</i></li> <li><i>(2) The location, date, and result of each sample taken during the last monitoring period.</i></li> <li><i>(3) The arithmetic average of all samples taken over the last year.</i></li> <li><i>(4) Whether the MCL was exceeded.]</i></li> </ul>
<i>[System monitoring for TTHMs and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) less frequently than annually. ]</i>	<ul style="list-style-type: none"> <li><i>[(1) The location, date, and result of the last sample taken.</i></li> <li><i>(2) Whether the MCL was exceeded.]</i></li> </ul>
System monitoring for chlorite under the requirements of 10 CSR 60- <del>4.090(3)(B)</del> <b>4.094(2)(A)3.</b>	<ul style="list-style-type: none"> <li>(1) The number of samples taken each month for the last three (3) months.</li> <li>(2) The location, date, and result of each sample taken during the last quarter.</li> <li>(3) For each month in the reporting period, the arithmetic average of all samples taken in the month.</li> <li>(4) Whether the MCL was exceeded, and in which month it was exceeded.</li> </ul>
System monitoring for bromate under the requirements of 10 CSR 60- <del>4.090(3)(B)</del> <b>4.094(2)(A)4.</b>	<ul style="list-style-type: none"> <li>(1) The number of samples taken during the last quarter.</li> <li>(2) The location, date, and result of each sample taken during the last quarter.</li> <li>(3) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.</li> <li>(4) Whether the MCL was exceeded.</li> </ul>

<sup>1</sup>The department may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the system report that information.

**/(C)/(B) Disinfectant Residuals.** Systems must report the information specified in the following table:

If you are...	You must report... <sup>1</sup>
System monitoring for chlorine or chloramines under the requirements of 10 CSR 60- <del>4.090(3)(C)</del> <b>4.094(2)(A)1.</b>	<ul style="list-style-type: none"> <li>(1) The number of samples taken during each month of the last quarter.</li> <li>(2) The monthly arithmetic average of all samples taken in each month for the last twelve (12) months.</li> <li>(3) The arithmetic average of all monthly averages for the last twelve (12) months.</li> <li>(4) Whether the MRDL was exceeded.</li> </ul>
System monitoring for chlorine dioxide under the requirements of 10 CSR 60- <del>4.090(3)(C)</del> <b>4.094(2)(A)2.</b>	<ul style="list-style-type: none"> <li>(1) The dates, results, and locations of samples taken during the last quarter.</li> <li>(2) Whether the MRDL was exceeded.</li> <li>(3) Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.</li> </ul>

<sup>1</sup>The department may choose to perform calculations and determine whether the MRDL was exceeded, in lieu of having the system report that information.



*[(D)](C)* Disinfection By-Product Precursors and Enhanced Coagulation or Enhanced Softening. Systems must report the information specified in the following table:

If you are...	You must report... <sup>1</sup>
System monitoring monthly or quarterly for TOC under the requirements of 10 CSR 60- <del>4.090(4)(D)</del> <b>4.094(2)(B)1.</b> and required to meet the enhanced coagulation or enhanced softening requirements in 10 CSR 60- <del>4.090(4)(D)3</del> <b>4.094(3)(C)3.</b>	<ol style="list-style-type: none"> <li>(1) The number of paired (source water and treated water, prior to continuous disinfection) samples taken during the last quarter.</li> <li>(2) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.</li> <li>(3) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.</li> <li>(4) Calculations for determining compliance with the TOC percent removal requirements.</li> <li>(5) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements for the last four (4) quarters.</li> </ol>
System monitoring monthly or quarterly for TOC under the requirements of 10 CSR 60- <del>4.090(4)(D)</del> <b>4.094(3)(C)</b> and meeting one or more of the alternative compliance criteria in 10 CSR 60- <del>4.090(4)(D)1.</del> <i>or</i> <b>2/4.094(3)(C)1. or (3)(C)2.</b>	<ol style="list-style-type: none"> <li>(1) The alternative compliance criterion that the system is using.</li> <li>(2) The number of paired samples taken during the last quarter.</li> <li>(3) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.</li> <li>(4) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in 10 CSR 60-<del>4.090(4)(D)1.A. or C.]</del> <b>4.094(3)(C)1.A or (3)(C)1.C.</b> or of treated water TOC for systems meeting the criterion in 10 CSR 60-<del>4.090 (4)(D)1.B]</del> <b>4.094(3)(C)1.B.</b></li> <li>(5) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in 10 CSR 60-<del>4.090(4)(D)1.E.]4.094(3)(C)1.E.</del> or of treated water Specific Ultraviolet Absorbance (SUVA) for systems meeting the criterion in 10 CSR 60-<del>4.090(4)(D)1.F.]4.094(3)(C)1.F.</del></li> <li>(6) The running annual average of source water alkalinity for systems meeting the criterion in 10 CSR 60-<del>4.090(4)(D)1.C.]</del> <b>4.094(3)(C)1.C.</b> and of treated water alkalinity for systems meeting the criterion in 10 CSR 60-<del>4.090 (4)(D)2.]</del> <b>4.094(3)(C)2.</b></li> <li>(7) The running annual average for both TTHM and HAA5 for systems meeting the criterion in 10 CSR 60-<del>4.090 (4)(D)1.C. or D.]4.094(3)(C)1.C or (3)(C)1.D.</del></li> <li>(8) The running annual average of the amount of magnesium hardness removal (as CaCO<sub>3</sub>, in mg/L) for systems meeting the criterion in 10 CSR 60-<del>4.090 (4)(D)2.B.]4.094(3)(C)2.B.</del></li> <li>(9) Whether the system is in compliance with the particular alternative compliance criterion in 10 CSR 60-<del>4.090 (4)(D)1. or 2.]4.094(3)(C)1. or (3)(C)2.</del></li> </ol>

<sup>1</sup>The department may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the system report that information.

[(7)](6) Enhanced Filtration and Disinfection Reporting and Record-Keeping Requirements. In addition to the reporting and record-keeping requirements in sections [(5) and (8)] (4) and (7) of this rule, a public water system subject to the requirements of [10 CSR 60-4.055(6)] 10 CSR 60-4.050 that provides conventional filtration treatment must report monthly to the department the information specified in subsections [(7)](6)(A) and [(7)](6)(B) of this rule [beginning January 1, 2002]. In addition to the reporting and record-keeping requirements in sections [(5) and (8)] (4) and (7) of this rule, a public water system subject to the requirements of [10 CSR 60-4.055(6)] 10 CSR 60-4.050 that provides filtration approved under 10 CSR 60-4.050/[(3)(G)](2)(F) must report monthly to the department the information specified in subsection [(7)](6)(A) of this rule [beginning January 1, 2002]. *[The reporting in subsection (7)(A) of this rule takes the place of the reporting specified in section (4) of this rule.]*

(A) Turbidity measurements as required by 10 CSR 60-4.050/[(3)(B)](2)(A) must be reported within ten (10) days after the end of each month the system serves water to the public. Information that must be reported includes:

1. The total number of filtered water turbidity measurements taken during the month;
2. The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 10 CSR 60-4.050/[(3)(B)](2)(A)1. or [2.] 10 CSR 60-4.050(2)(F); and
3. The date and value of any turbidity measurements taken during the month which exceed 1 Nephelometric Turbidity Unit (NTU) for systems using conventional filtration treatment, or which exceed the applicable maximum level set by the department under 10 CSR 60-4.050(2)(F).

(B) Systems must maintain the results of individual filter monitoring taken under 10 CSR 60-4.050/[(3)(E)](2)(D) for at least three (3) years. Systems must report that they have conducted individual filter turbidity monitoring under 10 CSR 60-4.050/[(3)(E)](2)(D) within ten (10) days after the end of each month the system serves water to the public. Systems must report the individual filter turbidity measurement results within ten (10) days after the end of each month the system serves water to the public only if measurements demonstrate one (1) or more of the conditions in paragraphs [(7)](6)(B)1.-2. of this rule. Systems that use lime softening may apply to the department for alternative exceedance levels for the levels specified in this subsection [(7)](6)(B) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

1. Surface water systems that serve more than ten thousand (10,000) people must report the individual filter turbidity measurement results within ten (10) days after the end of each month only if measurements demonstrate one (1) or more of the following conditions./.;

A. For any individual filter that has a measured turbidity level of greater than **one and zero tenths** (1.0) NTU in two (2) consecutive measurements taken fifteen (15) minutes apart, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance./.;

B. For any individual filter that has a measured turbidity level of greater than **five tenths** (0.5) NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at the end of the first four (4) hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must report the filter number, the turbidity, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is

not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance./.;

C. For any individual filter that has a measured turbidity level of greater than **one and zero tenths** (1.0) NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of three (3) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must conduct a self-assessment of the filter within fourteen (14) days of the exceedance and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report./.; and

D. For any individual filter that has a measured turbidity level of greater than **two and zero tenths** (2.0) NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of two (2) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a Comprehensive Performance Evaluation by the department or a third party approved by the department no later than thirty (30) days following the exceedance and have the evaluation completed and submitted to the department no later than ninety (90) days following the exceedance.

(I) The Comprehensive Performance Evaluation is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a Comprehensive Performance Evaluation report.

(II) If the Comprehensive Performance Evaluation results indicate improved performance potential, the system shall implement Comprehensive Technical Assistance. The system must identify and systematically address plant-specific factors. The Comprehensive Technical Assistance is a combination of utilizing Comprehensive Performance Evaluation results as a basis for followup, implementing process control priority-setting techniques, and maintaining long-term involvement to systematically train staff and administrators.

2. Surface water systems that serve less than ten thousand (10,000) people must report the individual filter turbidity measurements within ten (10) days after the end of each month only if measurements demonstrate one (1) or more of the following conditions.

A. For any individual filter that exceeds **one and zero tenths** (1.0) NTU in two (2) consecutive recordings fifteen (15) minutes apart, the system must report the filter number(s), corresponding date(s), turbidity value(s) which exceeded **one and zero tenths** (1.0) NTU, and the cause (if known) for the exceedance(s).

B. For any individual filter that for three (3) months in a row the turbidity exceeded **one and zero tenths** (1.0) NTU in two (2) consecutive recordings fifteen (15) minutes apart, the system must conduct a self-assessment of the filter(s) within fourteen (14) days of the triggering event. The system must report the date self-assessment was triggered and the date it was completed. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report. The filter self-assessment is not required if a comprehensive performance evaluation (CPE) was required.

C. For any individual filter that for two (2) months in a row the turbidity exceeded **two and zero tenths** (2.0) NTU in two (2) consecutive recordings, fifteen (15) minutes apart, the system must arrange to have a CPE conducted not later than sixty (60) days following the triggering event. The CPE must be conducted by the department or a third party approved by the department. If a CPE has been completed by the department or a third party approved by the department within the twelve (12) prior months or the system and department are jointly participating in an ongoing Comprehensive Technical Assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the department no later than one hundred twenty (120) days following the triggering event.

(C) Additional turbidity reporting requirements. Reporting requirements for turbidity exceedences are in 10 CSR 60-4.050/(3)/(2)(C).

**[[8]](7) Stage 2 Disinfectants/Disinfection By-Products (D/DBP) Rule Reporting and Record-Keeping Requirements.**

**(A) Reporting.**

1. You must report the following information for each monitoring location to the department within ten (10) days of the end of any quarter in which monitoring is required:

A. Number of samples taken during the last quarter;

B. Date and results of each sample taken during the last quarter;

C. Arithmetic average of quarterly results for the last four (4) quarters for each monitoring location (LRAA), beginning at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter. If the LRAA calculated based on fewer than four (4) quarters of data would cause the maximum contaminant level (MCL) to be exceeded regardless of the monitoring results of subsequent quarters, you must report this information to the department as part of the first report due following the compliance date or anytime thereafter that this determination is made. If you are required to conduct monitoring at a frequency that is less than quarterly, you must make compliance calculations beginning with the first compliance sample taken after the compliance date, unless you are required to conduct increased monitoring under section 10 CSR 60-4.094/(6)/(2)(C)4.;

D. Whether based on 10 CSR 60-4.090(1)(D) **4.094(3)(D)3.A.** and this rule, the MCL was violated at any monitoring location; and

E. Any operational evaluation levels that were exceeded during the quarter and, if so, the location and date, and the calculated total trihalomethanes (TTHM) and haloacetic acids 5 (HAA5) levels.

2. If you are a surface water system or ground water under the direct influence of surface water system seeking to qualify for or remain on reduced TTHM/HAA5 monitoring, you must report the following source water total organic carbon (TOC) information for each treatment plant that treats surface water or ground water under the direct influence of surface water to the department within ten (10) days of the end of any quarter in which monitoring is required:

A. The number of source water TOC samples taken each month during last quarter;

B. The date and result of each sample taken during last quarter;

C. The quarterly average of monthly samples taken during last quarter or the result of the quarterly sample;

D. The running annual average (RAA) of quarterly averages from the past four (4) quarters; and

E. Whether the RAA exceeded **four and zero tenths** (4.0) mg/L.

3. The department may choose to perform calculations and determine whether the MCL was exceeded or the system is eligible for reduced monitoring in lieu of having the system report that information.

**[[9]](8)** Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the department as soon as possible but no later than by the end of the next business day. If the system is notified by the department or the Department of Health and Senior Services, of an outbreak, the reporting requirement of this section is waived.

**[[10]](9)** A supplier of water shall submit proof to the department that public notification has been made within ten (10) days of the date that the notice was to have been made for initial public notice and any repeat notices. The supplier of water shall provide a certification he/she has fully complied with the public notification regulations, and shall provide a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

**[[11]](10) Reporting Requirements for the Ground Water Rule.**

(A) In addition to any other applicable reporting requirements of this rule, a ground water system regulated under 10 CSR 60-4.025 must provide the following information to the department:

1. A ground water system conducting compliance monitoring under 10 CSR 60-4.025(4)(B) must notify the department any time the system fails to meet any department-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four (4) hours. The ground water system must notify the department as soon as possible, but in no case later than the end of the next business day;

2. After completing any corrective action under 10 CSR 60-4.025(4)(A), a ground water system must notify the department within thirty (30) days of completion of the corrective action; and

3. If a ground water system subject to the requirements of 10 CSR 60-4.025(3)(A) does not conduct source water monitoring under subparagraph (3)(A)5.B. of that rule, the system must provide documentation to the department within thirty (30) days of the total coliform-positive sample that the system met the department criteria.

**[[12]](11) Reporting Requirements for the Revised Total Coliform Rule.**

**(A) *E. coli*.**

1. A system must notify the department by the end of the day when the system learns of an *E. coli* MCL violation, unless the system learns of the violation after the department office is closed and the department does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the department before the end of the next business day, and notify the public in accordance with 10 CSR 60-8.010.

2. A system must notify the department by the end of the day when the system is notified of an *E. coli*-positive routine sample, unless the system is notified of the result after the department office is closed and the department does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the department before the end of the next business day.

(B) A system that has violated the treatment technique for coliforms in 10 CSR 60-4.022(9) must report the violation to the department no later than the end of the next business day after it learns of the violation, and notify the public in accordance with 10 CSR 60-8.010.

(C) A system required to conduct an assessment under the provisions of 10 CSR 60-4.022(9) must submit the assessment report to the department within thirty (30) days. The system must notify the department in accordance with 10 CSR 60-4.022(9) when each scheduled corrective action is completed for corrections not completed by the time of submission of the assessment form.

(D) A system that has failed to comply with a coliform monitoring

requirement must report the monitoring violation to the department within ten (10) days after the system discovers the violation and notify the public in accordance with 10 CSR 60-8.010.

(E) A seasonal system must certify to the department, prior to serving water to the public, that it has complied with the department-approved start-up procedure.

**AUTHORITY:** *section 640.100, RSMo [Supp. 2014] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 60—Safe Drinking Water Commission**

#### **Chapter 8—Public Notification**

#### **PROPOSED AMENDMENT**

**10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply.** The department is amending (1)(A)9. and (2)(A)2.A., removing (2)(A)2.E., and renumbering thereafter, adding the term “turbidity” to (3)(A)2.A., removing a rule citation to (3)(B)2., changing a rule citation in (4)(A)2.D., adding clarifying language to (4)(C)2.D. and (5)(C)2., removing language in (11)(A)1. and 2., and correcting an error in (11)(A)3., and adding language to (11)(E)9.

**PURPOSE:** *The amendment corrects rule citations due to amendments to other regulations in 10 CSR 60, removes outdated rule language and provides clarification on existing regulations.*

#### **(1) General Information and Requirements.**

(A) Types of Violations and Other Situations Requiring Public Notice.

1. Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant levels (MRDL).
2. Failure to comply with a prescribed treatment technique.
3. Failure to perform required water quality monitoring as required by drinking water regulations.
4. Failure to comply with testing procedures as prescribed by a drinking water regulation.
5. Operation under a variance or an exemption.
6. Failure to comply with the requirements of any schedule that has been set under a variance or exemption.
7. Special public notice.
8. Occurrence of a waterborne disease outbreak or other waterborne emergency.
9. Exceedance of the nitrate MCL by non-/community water systems where granted permission by the department;
10. Exceedance of the secondary maximum contaminant level

(SMCL) for fluoride.

11. Availability of unregulated contaminant monitoring data.

12. Other violations and situations determined by the department to require a public notice.

#### **(2) Tier 1 Public Notice.**

(A) Violation Categories and Other Situations Requiring a Tier 1 Public Notice.

1. Tier 1 public notice is required for violations or other situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.

2. Specific violations and other situations requiring Tier 1 notice include:

A. *[Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system as specified in 10 CSR 60-4.020(7)(B) until March 31, 2016, when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform as specified in 10 CSR 60-4.020(5)(A) until March 31, 2016; or v[Violation of the MCL for E. coli as specified in 10 CSR 60-4.020(7)(C) beginning April 1, 2016]* **10 CSR 60-4.022(10)(A);**

B. Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within twenty-four (24) hours of the system’s receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

C. Exceedance of the nitrate MCL by non-/community water systems where permitted by the department to exceed the MCL;

D. Violation of the MRDL for chlorine dioxide, when one (1) or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system, exceed the MRDL, or when the water system does not take the required samples in the distribution system;

*[E. Violation of the maximum turbidity level where the sample results exceed five (5) nephelometric turbidity units (NTU);]*

*[F./E. Violation of a treatment technique requirement pursuant to 10 CSR 60-4.050 resulting from a single exceedance of the maximum allowable turbidity limit, where the department determines after consultation that the violation has significant potential to have serious adverse effects on human health or where the system fails to consult with the department within twenty-four (24) hours after the system learns of the violation;*

*[G./F. Occurrence of a waterborne disease outbreak or other waterborne emergency (such as failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);]*

*[H./G. Detection of E. coli, enterococci, or coliphage in source water samples as specified in 10 CSR 60-4.025(3)(A) and 10 CSR 60-4.025(3)(B); and]*

*[I./H. Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the department either in regulation or on a case-by-case basis.*

#### **(C) Form and Manner of Tier 1 Public Notice.**

1. The owner or operator of the public water system shall use the health effects language in section (11) of this rule for MCL violations requiring Tier 1 public notice.

2. Tier 1 public notice shall be provided within twenty-four (24) hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system *[are to]* **shall** fit the specific situation *[but shall]* **and** be designed to reach residential, transient, and non-/transient users of the water system~~]. In order to reach all persons served, water system shall use, at a minimum,~~ **using** one (1) or more of the following forms of delivery:

A. Appropriate broadcast media, such as radio and television;

B. Posting the notice in conspicuous locations throughout the area served by the water system;

C. Hand delivery of the notice to persons served by the water system; or

D. Another delivery method approved in writing by the department.

(3) Tier 2 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 2 Public Notice.

1. Tier 2 public notice is required for violations and other situations with potential to have serious adverse effects on human health.

2. Specific violations and other situations requiring Tier 2 notice.

A. Tier 2 notice is required for violations of MCL, MRDL, or treatment technique requirements, except where a Tier 1 notice is required or where *[the] a Tier 1 notice is determined by the department [determines that a Tier 1 notice is required]*, for the following: microbiological contaminants; inorganic contaminants (IOCs); synthetic organic contaminants (SOCs); volatile organic contaminants (VOCs); radiological contaminants; disinfection byproducts, byproduct precursors, and disinfectant residuals; treatment techniques for acrylamide, epichlorohydrin, **turbidity**, lead, and copper; and other situations determined by the department to require Tier 2 notice. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under 10 CSR 60-4.050 must initiate consultation with the department within twenty-four (24) hours of learning of the violation. Based on this consultation the department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the department in the twenty-four- (24-) hour period, the violation is automatically elevated to Tier 1.

B. Failure to comply with the terms and conditions of a variance or exemption.

C. Violations of the monitoring and testing procedure requirements where the department determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation. This includes but is not limited to collecting no total coliform samples during the applicable monitoring period at the discretion of the department.

D. Failure to take corrective action or failure to maintain at least 4-log treatment of viruses (using inactivation, removal, or a department-approved combination of 4-log virus inactivation and removal) before or at the first customer under 10 CSR 60-4.025(4)(A).

(B) Timing of Tier 2 Public Notice.

1. Public water systems must provide the public notice as soon as possible, but not later than thirty (30) days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven (7) days, even if the violation or situation is resolved. The department may, in appropriate circumstances, allow additional time for the initial notice of up to three (3) months from the date the system learns of the violation. The department will not grant an extension to the thirty- (30-) day deadline for any unresolved violation or provide across-the-board extensions for other violations or situations requiring a Tier 2 public notice. Extensions granted by the department will be in writing.

2. The public water system must repeat the notice every three (3) months as long as the violation or situation persists, unless the department determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. The department will not allow less frequent repeat notice for an MCL violation pursuant to *[10 CSR 60-4.020 or]* 10 CSR 60-4.022 or a treatment technique violation pursuant to 10 CSR 60-4.050 or 10 CSR 60-

4.052. The department will not allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. The department's determinations allowing repeat notices to be given less frequently than once every three (3) months will be in writing.

3. For violations of the maximum turbidity level and for violations of the treatment technique requirements pursuant to 10 CSR 60-4.050 resulting from a single exceedance of the maximum allowable turbidity limit, public water systems must consult with the department as soon as practical but no later than twenty-four (24) hours after the public water system learns of the violation to determine whether a Tier 1 public notice is required to protect public health. When consultation does not take place within the twenty-four- (24-) hour period, the water system must distribute a Tier 1 notice of the violation within the next twenty-four (24) hours (that is, no later than forty-eight (48) hours after the system learns of the violation).

(C) Form and Manner of Tier 2 Public Notice. Public water systems must provide the initial public notice and any repeat notices in a form and manner reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system but must, at a minimum, meet the following requirements:

1. Unless directed otherwise by the department in writing, community water systems must provide notice by:

A. Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

B. Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by mail or direct delivery. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). These other methods may include: publication in a local newspaper or newsletter; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places served by the system or on the Internet; or delivery to community organizations.

2. Unless directed otherwise by the department in writing, non-/community water systems must provide notice by:

A. Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

B. Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by posting in a conspicuous location, mail, or direct delivery. Such persons include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. These other methods may include: publication in a local newspaper or newsletter distributed to customers; use of e-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

(4) Tier 3 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 3 Public Notice.

1. Tier 3 public notice is required for all other violations and situations not included in Tier 1 and Tier 2.

2. Specific violations and other situations requiring Tier 3 public notice include:

A. Monitoring violations or failure to comply with a testing procedure, except where a Tier 1 notice is specifically required or where the department determines that a Tier 2 notice is required, for the following: microbiological contaminants; inorganic contaminants (IOCs); synthetic organic contaminants (SOCs); volatile organic contaminants (VOCs); radiological contaminants; disinfection byproducts, byproduct precursors, and disinfectant residuals; treatment techniques for lead and copper. Specific exceptions are listed under

sections (2) and (3) of this rule;

B. Operation under a variance or exemption;

C. Exceedance of the fluoride SMCL;

D. Reporting and recordkeeping violations under 10 CSR 60-4.022, 10 CSR 60-7.010/(12)/(11), and 10 CSR 60-9.010(4)-(5); and

E. Other violations or situations determined by the department either in regulation or on a case-by-case basis.

(C) Form and Manner of Tier 3 Public Notice. Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1. Unless directed otherwise by the department in writing, community water systems must provide notice by:

A. Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

B. Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by mail or other direct delivery. Such persons may include those who do not pay water bills or do not have service connection addresses (for example, house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: */P/*publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (for example, apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

2. Unless directed otherwise by the department in writing, non-/community water systems must provide notice by:

A. Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

B. Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by posting, mail, or direct delivery. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: */P/*publication in a local newspaper or newsletter distributed to customer; use of e-mail to notify employees or students; or, delivery of multiple copies in central locations (for example, community centers).

(D) Use of Consumer Confidence Report to Meet Tier 3 Requirement. For community water systems, */T/*the Consumer Confidence Report (CCR) may be used for the Tier 3 public notice as long as:

1. The CCR is provided to persons served no later than twelve (12) months after the system learns of the violation or situation.

2. The Tier 3 notice contained in the CCR follows the content requirements under section (5) of this rule; and

3. The CCR is distributed following the delivery requirements under subsection (4)(C) of this rule.

(5) Content of the Public Notice.

(C) Presentation of the Public Notice.

1. Each public notice:

A. Must be displayed in a conspicuous way when printed or posted;

B. Must not contain overly technical language or very small print;

C. Must not be formatted in a way that defeats the purpose of the notice;

D. Must not contain language which nullifies the purpose of the notice.

2. Each public notice must comply with multilingual requirements */./* as follows:

A. Where the department has determined the public water system serves a large proportion of non-English speaking consumers, the public notice must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language */./*;

B. Where the department has not made a determination regarding the proportion of non-English speaking consumers, the public notice must contain the same information as in subparagraph (5)(C)2.A. of this rule */./*; and

C. Where the department has determined there is not a large proportion of non-English speaking customers, no multilingual requirement applies.

(6) Notice to New Billing Units or Customers.

(B) Non-/Community Water Systems. Non-/community water systems must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance, or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

(9) Special Public Notices.

(A) Special Notice for the Availability of Unregulated Contaminant Monitoring Results.

1. Timing of the special notice. The owner or operator of a community water system or nontransient non-/community water system required to monitor for unregulated contaminants under Environmental Protection Agency's (EPA's) Unregulated Contaminant Monitoring Rule must notify persons served by the system of the availability of the results of such sampling no later than twelve (12) months after the monitoring results are known.

2. Form and manner of special notice. The form and manner of the public notice shall follow the requirements for a Tier 3 public notice. The notice shall also identify a person and provide the telephone number to contact for information on the monitoring results.

(C) Special Notice for Nitrate Exceedances Above the MCL by Non-/Community Water Systems.

1. The owner or operator of a non-/community water system granted permission by the department to exceed the nitrate MCL shall provide notice to persons served according to the requirements for a Tier 1 notice.

2. The owner or operator shall provide continuous posting of the fact that nitrate levels exceed ten (10) mg/L and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under section (2) and the content requirements under section (5) of this rule.

(D) Special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification or mean *Cryptosporidium* level.

1. The owner or operator of a community or non-/community water system that is required to monitor source water under 10 CSR 60-4.052(2) must notify persons served by the water system that monitoring has not been completed as specified no later than thirty (30) days after the system has failed to collect any three (3) months of monitoring as specified in 10 CSR 60-4.052(2)(C). The notice must be repeated as specified in 10 CSR 60-8.010(3).

2. Special notice for failure to determine bin classification or mean *Cryptosporidium* level. The owner or operator of a community or non-/community water system that is required to determine a bin classification under 10 CSR 60-4.052(10) must notify persons served by the water system that the determination has not been made as required no later than thirty (30) days after the system has failed to report the determination as specified in 10 CSR 60-4.052(10)(E). The notice must be repeated as specified in 10 CSR 60-8.010(3). The notice is not required if the system is complying with a department-approved schedule to address the violation.

3. Form and manner of the special notice. The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in subsection (3)(C) of this rule. The public notice must be presented as required in section (3) of this rule.

4. Mandatory language that must be contained in the special notice. The notice must contain the following language, including the language necessary to fill in the blanks.

A. The special notice for repeated failure to conduct monitoring must contain the following language:

“We are required to monitor the source of your drinking water for *Cryptosporidium*. Results of the monitoring are to be used to determine whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your drinking water. We are required to complete this monitoring and make this determination by {required bin determination date}. We did not monitor or test or did not complete all monitoring or testing on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate *Cryptosporidium* removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required, {date}. For more information, please call {name of water system contact} of {name of water system} at {phone number}.”

B. The special notice for failure to determine bin classification or mean *Cryptosporidium* level must contain the following language:

“We are required to monitor the source of your drinking water for *Cryptosporidium* in order to determine by {date} whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your drinking water. We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of {date}. For more information, please call {name of water system contact} of {name of water system} at {phone number}.”

C. Each special notice must also include a description of what the system is doing to correct the violation and when the system expects to return to compliance or resolve the situation.

#### (11) Standard Health Effects Language for Public Notification.

##### (A) Microbiological Contaminants.

1. Total Coliform. [Until March 31, 2016, “Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.” Beginning April 1, 2016,] “Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in the water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.”

2. *E. coli*. [Until March 31, 2016, “Fecal coliforms and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these waters can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.” Beginning April 1, 2016,] “*E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely

compromised immune systems.”

3. Fecal indicators under the Ground Water Rule (*E. coli*, enterococci, coliphage). “Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these [waters] wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.”

4. Treatment technique violations under the Ground Water Rule. “Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.”

5. Revised Total Coliform Rule Treatment Technique violations for Coliform Assessment and/or Corrective Action. “Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found.

{THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.}

We failed to conduct the required assessment.

We failed to correct all identified sanitary defects that were found during the assessment(s).”

6. Revised Total Coliform Rule Treatment Technique violations for *E. coli* Assessment and/or Corrective Action. “*E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for *E. coli*, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found.

{THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.}

We failed to conduct the required assessment.

We failed to correct all identified sanitary defects that were found during the assessment that we conducted.”

7. Revised Total Coliform Rule Seasonal System Treatment Technique violations. When this violation includes the failure to monitor for total coliforms or *E. coli* prior to serving water to the public, the mandatory language found at 10 CSR 60-8.010(5)(D)2. must be used. When this violation includes failure to complete other actions, the appropriate elements found in 10 CSR 60-8.010(5)(A) to describe the violation must be used.

8. Turbidity. “Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.”

(B) Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long-Term 1 Enhanced Surface Water Treatment Rule, and Filter Backwash Recycling Rule (FBRR) Violations.

1. *Giardia lamblia*. “Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.”

2. Viruses. “Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and



parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.”

3. Heterotrophic plate count (HPC) bacteria. “Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.”

4. [*Legionella*] *Legionella*. “Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.”

5. [*Cryptosporidium*] *Cryptosporidium*. “Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.”

(E) Synthetic Organic Chemicals (SOCs).

1. 25. 2,4-D. “Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.”

2. 26. 2,4,5-TP (Silvex). “Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.”

3. Alachlor. “Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.”

4. Atrazine. “Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.”

5. Benzo(a)pyrene (PAHs). “Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.”

6. Carbofuran. “Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.”

7. Chlordane. “Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver, or nervous system, and may have an increased risk of getting cancer.”

8. Dalapon. “Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.”

9. Di(2-ethylhexyl)adipate. “Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience *[general]* toxic effects *[or]* such as, **weight loss, liver enlargement, or possible** reproductive difficulties.”

10. Di(2-ethylhexyl)phthalate. “Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.”

11. Dibromochloropropane (DBCP). “Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.”

12. Dinoseb. “Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.”

13. Dioxin (2,3,7,8-TCDD). “Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.”

14. Diquat. “Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.”

15. Endothall. “Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.”

16. Endrin. “Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.”

17. Ethylene dibromide. “Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.”

18. Glyphosate. “Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.”

19. Heptachlor. “Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.”

20. Heptachlor epoxide. “Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.”

21. Hexachlorobenzene. “Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.”

22. Hexachlorocyclopentadiene. “Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.”

23. Lindane. “Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.”

24. Methoxychlor. “Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.”

25. Oxamyl (Vydate). “Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.”

26. Pentachlorophenol. “Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.”

27. Picloram. “Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.”

28. Polychlorinated biphenyls (PCBs). “Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.”

29. Simazine. “Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.”

30. Toxaphene. “Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.”

*AUTHORITY: section 640.100, RSMo [Supp. 2014] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 8—Public Notification**

**PROPOSED AMENDMENT**

**10 CSR 60-8.030 Consumer Confidence Reports.** The department is amending (2)(D)1.B. and C. and renumbering, removing (2)(D)3.B. and moving A. directly under 3., removing and replacing language from (2)(D)4.D. and (2)(D)4.D.(II), removing language from (2)(D)4.D.(III), removing language in (2)(G) and (H) and renumbering thereafter, removing a reference to the Code of Federal Regulations in (2)(E)1., removing a reference in (2)(F)6., removing language in (3)(B)(2) and moving 1., directly under (B), and removing language from Appendix A, B, and C.

**PURPOSE:** The amendment corrects rule citations due to amendments and rescissions of other regulations in 10 CSR 60 and removes outdated rule language and provides clarification on existing regulations.

**(2) Content of the Reports.**

**(D) Information on Detected Contaminants.**

1. Subsection (2)(D) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except *Cryptosporidium*). It applies to—

A. Contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique (regulated contaminants); **and**

*[B. Contaminants for which monitoring is required by 10 CSR 60-4.110 (unregulated contaminants); and]*

*[C./B. Disinfection by-products or microbial contaminants for which monitoring is required [by 40 CFR 141.142 and 141.143,] except as provided under paragraph (2)(E)1. of this rule, and which are detected in the finished water.*

2. The data relating to these contaminants must be displayed in one (1) table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

3. The data must be derived from data collected to comply with the Environmental Protection Agency and department monitoring and analytical requirements during the previous calendar year except that/—/

*[A. W/where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. The system may use the following language or similar language for their statement: “The state has reduced monitoring requirements for certain contaminants to less often than once per year because the concentrations of these contaminants are not expected to vary significantly from year-to-year. Some of our data (e.g., for organic contaminants), though representative, is more than one (1) year old.” No data older than five (5) years need be included.*

*[B. Results of monitoring in compliance with 40 CFR 141.142 and 141.143 need only be included for five (5)*

*years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.]*

4. For detected regulated contaminants (listed in Appendix A, included herein), the table(s) must contain—

A. The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A, included herein);

B. The MCLG for that contaminant expressed in the same units as the MCL;

C. If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph (2)(C)3. of this rule;

D. For contaminants subject to an MCL, except turbidity, total coliform, fecal coliform and *E. coli*, the highest contaminant level used to determine compliance with 10 CSR 60-4.030; 10 CSR 60-4.040; 10 CSR 60-4.060; *[10 CSR 60-4.090;]* **10 CSR 60-4.094**; 10 CSR 60-4.100 and the range of detected levels, as follows (when rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A, included herein):

(I) When compliance with the MCL is determined annually or less frequently—the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL;

(II) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a monitoring location—the highest average of any of the monitoring locations and the range of all monitoring locations expressed in the same units as the MCL. For the MCLs for total trihalomethanes (TTHM) and haloacetic acids 5 (HAA5) in *[10 CSR 60-4.090(1)(D)]* **10 CSR 60-4.094**, systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one (1) location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL; and

(III) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all monitoring locations—the average and range of detection expressed in the same units as the MCL/. *The system is required to include individual sample results for the Initial Distribution System Evaluation (IDSE) conducted under 10 CSR 60-4.092 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken];*

E. For turbidity, the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 10 CSR 60-4.050.

(I) The report should include an explanation of the reasons for measuring turbidity, such as: “Turbidity is a measure of the cloudiness of water. We monitor turbidity because it is a good indicator of the effectiveness of our filtration system.”

(II) If an explanation of the reasons for measuring turbidity is included, it does not have to be included in the table but may be added as a footnote or narrative associated with the table;

F. For lead and copper, the ninetyth percentile value of the most recent round of sampling, the number of sampling sites exceeding the action level in that round, and the most recent source water results;

*[G. For total coliform analytical results until March 31, 2016.*

*[I) The highest monthly number of positive compliance samples for systems collecting fewer than forty (40) samples per month; or*

(III) *The highest monthly percentage of positive compliance samples for systems collecting at least forty (40) samples per month;*

*H. For fecal coliform and E. coli, until March 31, 2016, the total number of positive compliance samples;]*

[I.]G. The likely source(s) of detected regulated contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one (1) or more of the typical sources for that contaminant which are most applicable to the system. The typical sources for a given contaminant are listed in Appendix B, included herein; and

[J.]H. For *E. coli* analytical results under 10 CSR 60-4.022, the total number of positive samples.

5. If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.

6. The table(s) must clearly identify any data indicating violations of MCLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of Appendix C, included herein.

7. For detected unregulated contaminants for which monitoring is required (except *Cryptosporidium*), the table(s) must contain the average and range at which the contaminant was detected. When detects of unregulated contaminants are reported, the report may include a brief explanation of the reasons for monitoring for unregulated contaminants using language such as: "Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted. Information on all the contaminants that were monitored for, whether regulated or unregulated, can be obtained from this water system or the Department of Natural Resources."

(E) Information on *Cryptosporidium*, Radon, and other Contaminants.

1. If the system has performed any monitoring for *Cryptosporidium*, [including monitoring performed to satisfy the requirements of 40 CFR 141.143,] which indicates that *Cryptosporidium* may be present in the source water or the finished water, the report must include:

A. A summary of the results of the monitoring; and

B. An explanation of the significance of the results. The system may use the following language or similar language for the explanation: "*Cryptosporidium* is a microbial parasite which is found in surface water throughout the U.S. Although *Cryptosporidium* can be removed by filtration, the most commonly used filtration methods cannot guarantee one hundred percent (100%) removal. Monitoring of our source water and/or finished water indicates the presence of these organisms. Current test methods do not enable us to determine if these organisms are dead or if they are capable of causing disease. Symptoms of infection include nausea, diarrhea, and abdominal cramps. Most healthy individuals are able to overcome the disease within a few weeks. However, immuno-compromised people have more difficulty and are at greater risk of developing severe, life threatening illness. Immuno-compromised individuals are encouraged to consult their doctor regarding appropriate precautions to take to prevent infection. *Cryptosporidium* must be ingested for it to cause disease, and may be passed through other means than drinking water."

2. If the system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include:

A. The results of the monitoring; and

B. An explanation of the significance of the results. The system may use the following language or similar language for the explanation: "Radon is a naturally occurring gas present in some ground water. It poses a lung cancer risk when the radon gas is released from water into air (as occurs during showering, bathing, or washing dishes or clothes), and a stomach cancer risk when you drink water containing radon. Radon gas released from drinking water is a relatively small part of the total radon in air. Other sources of radon gas are soils which enter homes through foundations, and radon inhaled directly while smoking cigarettes. Experts are not sure exactly what the cancer risk is from a given level of radon in your drinking water. If you are concerned about radon in your home, test kits are available to determine the total exposure level."

3. If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, systems are encouraged to report any results which may indicate a health concern. To determine if results may indicate a health concern, the department recommends that systems find out if the Environmental Protection Agency has proposed a National Primary Drinking Water Regulation or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline (800-426-4791). Detects above a proposed MCL or health advisory level may indicate possible health concerns. For such contaminants, the department recommends that the report include:

A. The results of the monitoring; and

B. An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(F) Compliance with Department Regulations. In addition to the requirements of paragraph (2)(D)6., the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.

1. Monitoring and reporting of compliance data.

2. Filtration and disinfection prescribed by 10 CSR 60-4.055. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

3. Lead and copper control requirements prescribed by 10 CSR 60-15. For systems which fail to take one (1) or more actions prescribed by 10 CSR 60-15.010(4), 10 CSR 60-15.020, 10 CSR 60-15.030, 10 CSR 60-15.040, or 10 CSR 60-15.050, the report must include the applicable language of Appendix C to this rule for lead, copper, or both.

4. Treatment techniques for Acrylamide and Epichlorohydrin prescribed by 10 CSR 60-4.040(9). For systems which violate the requirements of 10 CSR 60-4.040(9), the report must include the relevant language from Appendix C to this rule.

5. Record keeping of compliance data.

[6. *Special monitoring requirements prescribed by 10 CSR 60-4.110.*]

[7.]6. Violation of the terms of a variance, an exemption, or an administrative or judicial order.

(3) Required Additional Health Information.

(B) Arsenic.

[1.] A system that detects arsenic at levels above 0.005 mg/L and up to and including 0.01 mg/L must include in its report a short informational statement about arsenic, using language such as: "While your drinking water meets EPA's standard for arsenic, it does

contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems." The system may write its own educational statement, but only in consultation with the department.

*[2. Beginning in the report due by July 1, 2002, and ending January 22, 2006, a community water system that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed by Appendix C of this rule.]*

(4) Report Delivery and Record Keeping.

(A) Systems serving ten thousand (10,000) or more persons must mail or otherwise directly deliver one (1) copy of the report to each customer annually.

Appendix A to 10 CSR 60-8.030  
Converting MCL Compliance Values for Consumer Confidence Reports

**Key**

AL = Action Level

MCL = Maximum Contaminant Level

MCLG = Maximum Contaminant Level Goal

MFL = million fibers per Liter

mrem/year = millirems per year (a measure of radiation absorbed by the body)

NTU = Nephelometric Turbidity Units

pCi/L = picocuries per Liter (a measure of radioactivity)

ppm = parts per million, or milligrams per Liter (mg/L)

ppb = parts per billion, or micrograms per Liter (µg/L)

ppt = parts per trillion, or nanograms per Liter

ppq = parts per quadrillion, or picograms per Liter

TT = Treatment Technique

Contaminant	MCL in compliance units (mg/L)	Multiply by	MCL in CCR units	MCLG in CCR units
<b>Microbiological Contaminants</b>				
[1. Total Coliform Bacteria *Until March 31, 2016.]	[(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.]	-----	[(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.]	[0]
----- 1. Total Coliform Bacteria [*Beginning April 1, 2016.]	----- TT		----- TT	----- 0
[2. Fecal coliform and E. coli. *Until March 31, 2016.]	[0]	-----	[A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or E. coli positive.]	[0]
----- 2. E. coli. [*Beginning April 1, 2016.]	Routine and repeat samples are total coliform – positive and either is E coli – positive or system fails to take repeat samples following E coli- positive routine sample or system fails to analyze total coliform – positive repeat sample for E coli.		Routine and repeat samples are total coliform – positive and either is E coli – positive or system fails to take repeat samples following E coli- positive routine sample or system fails to analyze total coliform – positive repeat sample for E coli.	----- 0
3. Total organic carbon (ppm)	TT		TT	N/A
4. Turbidity	TT		TT (NTU)	N/A
5. Fecal TT Indicators (enterococci or coliphage)	TT			N/A
<b>Radioactive Contaminants</b>				
6. Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
7. Alpha emitters	15 pCi/L		15 pCi/L	0
8. Combined radium	5 pCi/L		5 pCi/L	0
9. Uranium (pCi/L)	30µg/L		30	0

Inorganic Contaminants				
10. Antimony	0.006	1000	6 ppb	6
11. Arsenic	[0.05*] 0.010/**]	1000	[50 ppb*] 10 ppb/**]	[N/A*] 0/**]
[*These arsenic values are effective until Jan. 23, 2006.]				
[**These arsenic values are effective Jan. 23, 2006.]				
12. Asbestos	7 MFL		7 MFL	7
13. Barium	2		2 ppm	2
14. Beryllium	0.004	1000	4 ppb	4
15. Bromate (ppb)	0.010	1000	10	0
16. Cadmium	0.005	1000	5 ppb	5
17. Chloramines (ppm)	MRDL=4		MRDL=4	4
18. Chlorine (ppm)	MRDL=4		MRDL=4	4
19. Chlorine dioxide (ppb)	MRDL=0.8	1000	MRDL=0.8	800
20. Chlorite (ppm)	1		1	0.8
21. Chromium	0.1	1000	100 ppb	100
22. Copper	AL=1.3		AL=1.3 ppm	1.3
23. Cyanide	0.2	1000	200 ppb	200
24. Fluoride	4		4 ppm	4
25. Lead	AL=0.015	1000	AL=15 ppb	0
26. Mercury (inorganic)	0.002	1000	2 ppb	2
27. Nitrate (as Nitrogen)	10		10 ppm	10
28. Nitrite (as Nitrogen)	1		1 ppm	1
29. Selenium	0.05	1000	50 ppb	50
30. Thallium	0.002	1000	2 ppb	0.5
<b>Synthetic Organic Contaminants Including Pesticides and Herbicides</b>				
31. 2,4-D	0.07	1000	70 ppb	70
32. 2,4,5-TP [Silvex]	0.05	1000	50 ppb	50
33. Acrylamide			TT	0
34. Alachlor	0.002	1000	2 ppb	0
35. Atrazine	0.003	1000	3 ppb	3
36. Benzo(a)pyrene [PAH]	0.0002	1,000,000	200 ppt	0
37. Carbofuran	0.04	1000	40 ppb	40
38. Chlordane	0.002	1000	2 ppb	0
39. Dalapon	0.2	1000	200 ppb	200
40. Di(2-ethylhexyl)adipate	0.4	1000	400 ppb	400
41. Di(2-ethylhexyl)phthalate	0.006	1000	6 ppb	0
42. Dibromochloropropane	0.0002	1,000,000	200 ppt	0
43. Dinoseb	0.007	1000	7 ppb	7
44. Diquat	0.02	1000	20 ppb	20
45. Dioxin [2,3,7,8-TCDD]	0.00000003	1,000,000,000	30 ppq	0
46. Endothall	0.1	1000	100 ppb	100
47. Endrin	0.002	1000	2 ppb	2
48. Epichlorohydrin	TT		TT	0
49. Ethylene dibromide	0.00005	1,000,000	50 ppt	0
50. Glyphosate	0.7	1000	700 ppb	700
51. Heptachlor	0.0004	1,000,000	400 ppt	0
52. Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
53. Hexachlorobenzene	0.001	1000	1 ppb	0
54. Hexachloro-cyclopentadiene	0.05	1000	50 ppb	50
55. Lindane	0.0002	1,000,000	200 ppt	200
56. Methoxychlor	0.04	1000	40 ppb	40
57. Oxamyl [Vydate]	0.2	1000	200 ppb	200
58. PCBs [Polychlorinated biphenyls]	0.0005	1,000,000	500 ppt	0
59. Pentachlorophenol	0.001	1000	1 ppb	0
60. Picloram	0.5	1000	500 ppb	500
61. Simazine	0.004	1000	4 ppb	4
62. Toxaphene	0.003	1000	3 ppb	0

Volatile Organic Contaminants				
63. Benzene	0.005	1000	5 ppb	0
64. Carbon tetrachloride	0.005	1000	5 ppb	0
65. Chlorobenzene	0.1	1000	100 ppb	100
66. o-Dichlorobenzene	0.6	1000	600 ppb	600
67. p-Dichlorobenzene	0.075	1000	75 ppb	75
68. 1,2-Dichloroethane	0.005	1000	5 ppb	0
69. 1,1-Dichloroethylene	0.007	1000	7 ppb	7
70. cis-1,2-Dichloroethylene	0.07	1000	70 ppb	70
71. trans-1,2-Dichloroethylene	0.1	1000	100 ppb	100
72. Dichloromethane	0.005	1000	5 ppb	0
73. 1,2-Dichloropropane	0.005	1000	5 ppb	0
74. Ethylbenzene	0.7	1000	700 ppb	700
75. Haloacetic Acids (HAA) (ppb)	0.060	1000	60	n/a
76. Styrene	0.1	1000	100 ppb	100
77. Tetrachloroethylene	0.005	1000	5 ppb	0
78. 1,2,4-Trichlorobenzene	0.07	1000	70 ppb	70
79. 1,1,1-Trichloroethane	0.2	1000	200 ppb	200
80. 1,1,2-Trichloroethane	0.005	1000	5 ppb	3
81. Trichloroethylene	0.005	1000	5 ppb	0
82. THMs [Total trihalomethanes]	0.10/.080	1000	100/80 ppb	n/a
83. Toluene	1		1 ppm	1
84. Vinyl Chloride	0.002	1000	2 ppb	0
85. Xylenes	10		10 ppm	10

Appendix B to 10 CSR 60-8.030  
Regulated Contaminants

Key

AL=Action Level  
MCL=Maximum Contaminant Level  
MCLG=Maximum Contaminant Level Goal  
MFL=million fibers per Liter  
mrem/year=millirems per year (a measure of radiation absorbed by the body)

NTU=Nephelometric Turbidity Units  
pCi/L=picocuries per Liter (a measure of radioactivity)  
ppm=parts per million, or milligrams per Liter (mg/L)  
ppb=parts per billion, or micrograms per Liter (µg/L)  
ppt=parts per trillion, or nanograms per Liter  
ppq=parts per quadrillion, or picograms per Liter  
TT=Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
<b>Microbiological Contaminants</b>			
1. <i>[Total Coliform Bacteria *Until March 31, 2016.]</i>	[0]	<i>[(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive;  (systems that collect fewer than 40 samples per month) 1 positive monthly sample.]</i>	<i>[Naturally present in the environment.]</i>
----- Total Coliform Bacteria <i>[*Beginning April 1, 2016.]</i>	-----N/A	----- TT	----- Naturally present in the environment.



2. <i>[Fecal coliform and E. coli</i> <i>*Until March 31, 2016.]</i>	[0]	[A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or E. coli positive.]	[Human and animal fecal waste.]
----- <i>E. coli</i> <i>[*Beginning April 1, 2016]</i>	----- 0	----- TT	----- Human and animal fecal waste.
3. Total organic carbon (ppm)	N/A	TT	Naturally present in the environment.
4. Turbidity	N/A	TT	Soil runoff.
5. Fecal N/A Indicators (enterococci or coliphage)	TT		Human and animal fecal waste.
<b>Radioactive Contaminants</b>			
6. Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits.
7. Alpha emitters (pCi/L)	0	15	Erosion of natural deposits.
8. Combined radium (pCi/L)	0	5	Erosion of natural deposits.
9. Uranium	0	30	Erosion of natural deposits.
<b>Inorganic Contaminants</b>			
10. Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
11. Arsenic (ppb)	0	10	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
12. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits.
13. Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
14. Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.
15. Bromate (ppb)	0	10	By-product of drinking water disinfection.
16. Cadmium (ppb)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints.
17. Chloramines (ppm)	MRDLG=4	MRDL=4	Water additive used to control microbes.
18. Chlorine (ppm)	MRDL=4	MRDL=4	Water additive used to control microbes
19. Chlorine dioxide (ppb)	MRDLG=800	MRDL=800	Water additive used to control microbes
20. Chlorite (ppm)	0.8	1	By-product of drinking water disinfection.
21. Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits.
22. Copper (ppm)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits.
23. Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.
24. Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
25. Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits.
26. Mercury [inorganic] (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
27. Nitrate [as Nitrogen] (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
28. Nitrite [as Nitrogen] (ppm)	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
29. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.

30. Thallium (ppb)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.
<b>Synthetic Organic Contaminants Including Pesticides and Herbicides</b>			
31. 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops.
32. 2,4,5-TP [Silvex] (ppb)	50	50	Residue of banned herbicide.
33. Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
34. Alachlor (ppb)	0	2	Runoff from herbicide used on row crops.
35. Atrazine (ppb)	3	3	Runoff from herbicide used on row crops.
36. Benzo(a)pyrene [PAH] (nanograms/L)	0	200	Leaching from linings of water storage tanks and distribution lines.
37. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
38. Chlordane (ppb)	0	2	Residue of banned termiticide.
39. Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way.
40. Di(2-ethylhexyl)adipate (ppb)	400	400	Discharge from chemical factories.
41. Di(2-ethylhexyl)phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
42. Dibromochloropropane (ppt)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
43. Dinoseb (ppb)	7	7	Runoff from herbicide used on soybeans and vegetables.
44. Diquat (ppb)	20	20	Runoff from herbicide use.
45. Dioxin [2,3,7,8-TCDD] (ppq)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories.
46. Endothall (ppb)	100	100	Runoff from herbicide use.
47. Endrin (ppb)	2	2	Residue of banned insecticide.
48. Epichlorohydrin	0	TT	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.
49. Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.
50. Glyphosate (ppb)	700	700	Runoff from herbicide use.
51. Heptachlor (ppt)	0	400	Residue of banned termiticide.
52. Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
53. Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.
54. Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
55. Lindane (ppt)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.
56. Methoxychlor (ppb)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, and livestock.
57. Oxamyl [Vydate] (ppb)	200	200	Runoff/leaching from insecticide used on apples, potatoes, and tomatoes.
58. PCBs [Polychlorinated biphenyls] (ppt)	0	500	Runoff from landfills; Discharge of waste chemicals.
59. Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
60. Picloram (ppb)	500	500	Herbicide runoff.
61. Simazine (ppb)	4	4	Herbicide runoff.
62. Toxaphene (ppb)	0	3	Runoff/leaching from insecticide used on cotton and cattle.
<b>Volatile Organic Contaminants</b>			
63. Benzene (ppb)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills.
64. Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
65. Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
66. o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
67. p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
68. 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
69. 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.

70. cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
71. trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
72. Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
73. 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
74. Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
75. Haloacetic Acids (HAA) (ppb)	n/a	60	By-product of drinking water disinfection.
76. Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from landfills.
77. Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.
78. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
79. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
80. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
81. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
82. TTHMs [Total trihalomethanes] (ppb)	n/a	100/80	By-product of drinking water disinfection.
83. Toluene (ppm)	1	1	Discharge from petroleum factories.
84. Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories.
85. Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories.

Appendix C to 10 CSR 60-8.030  
Health Effects Language

**Microbiological Contaminants**

(1) Total Coliform. *[Until March 31, 2016, "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems." Beginning April 1, 2016,]* "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in the water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments."

(2) *E. coli*. *[Until March 31, 2016, "Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems." Beginning April 1, 2016,]* "*E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems."

(3) Total organic carbon. "Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by-products. These by-products include trihalomethanes (THMs) and haloacetic acids (HAAs5). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer."

(4) Turbidity. "Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

(5) Fecal Indicators under the Ground Water Rule (*E. coli*, enterococci, or coliphage). "Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems."

**Radioactive Contaminants**

(6) Beta/photon emitters. "Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer."

(7) Alpha emitters. "Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer."

(8) Combined Radium 226/228. "Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer."

(9) Uranium. "Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity."

**Inorganic Contaminants**

(10) Antimony. "Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar."

(11) Arsenic. "Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer."

(12) Asbestos. "Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps."

(13) Barium. "Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure."

(14) Beryllium. "Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions."

(15) Bromate. "Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer."

(16) Cadmium. "Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage."

(17) Chloramines. "Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia."

(18) Chlorine. "Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort."

(19) Chlorine dioxide. "Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia."

(20) Chlorite. "Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia."

(21) Chromium. "Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis."

(22) Copper. "Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor."

(23) Cyanide. "Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid."

(24) Fluoride. "Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums."

(25) Lead. "Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure."

(26) Mercury (inorganic). "Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage."

(27) Nitrate. "Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome."

(28) Nitrite. "Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome."

(29) Selenium. "Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation."

(30) Thallium. "Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver."

#### Synthetic Organic Contaminants Including Pesticides and Herbicides

(31) 2,4-D. "Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands."

(32) 2,4,5-TP (Silvex). "Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems."

(33) Acrylamide. "Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer."

(34) Alachlor. "Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer."

(35) Atrazine. "Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties."

(36) Benzo(a)pyrene (PAH). "Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer."

(37) Carbofuran. "Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems."

(38) Chlordane. "Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer."

(39) Dalapon. "Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes."

(40) Di(2-ethylhexyl)adipate. "Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement, or possible reproductive difficulties."

(41) Di(2-ethylhexyl)phthalate. "Some people who drink water containing di(2-ethylhexyl)phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer."

(42) Dibromochloropropane (DBCP). "Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer."

(43) Dinoseb. "Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties."

(44) Dioxin (2,3,7,8-TCDD). "Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer."

(45) Diquat. "Some people who drink water containing diquat in excess of the MCL over many years could get cataracts."

(46) Endothall. "Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines."

(47) Endrin. "Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems."

(48) Epichlorohydrin. "Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer."

(49) Ethylene dibromide. "Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer."

(50) Glyphosate. "Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties."

(51) Heptachlor. "Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer."

(52) Heptachlor epoxide. "Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer."

(53) Hexachlorobenzene. "Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer."

(54) Hexachlorocyclopentadiene. "Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach."

(55) Lindane. "Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver."

(56) Methoxychlor. "Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties."

(57) Oxamyl (Vydate). "Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects."

(58) PCBs (Polychlorinated biphenyls). "Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer."

(59) Pentachlorophenol. "Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer."

(60) Picloram. "Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver."

(61) Simazine. "Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood."

(62) Toxaphene. "Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer."

### **Volatile Organic Contaminants**

(63) Benzene. "Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer."

(64) Carbon Tetrachloride. "Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer."

(65) Chlorobenzene. "Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys."

(66) o-Dichlorobenzene. "Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems."

(67) p-Dichlorobenzene. "Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood."

(68) 1,2-Dichloroethane. "Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer."

(69) 1,1-Dichloroethylene. "Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver."

(70) cis-1,2-Dichloroethylene. "Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver."

(71) trans-1,2-Dichloroethylene. "Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver."

(72) Dichloromethane. "Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer."

(73) 1,2-Dichloropropane. "Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer."

(74) Ethylbenzene. "Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys."

(75) Haloacetic Acids (HAA). "Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer."

(76) Styrene. "Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system."

(77) Tetrachloroethylene. "Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer."

(78) 1,2,4-Trichlorobenzene. "Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands."

(79) 1,1,1-Trichloroethane. "Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system."

(80) 1,1,2-Trichloroethane. "Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems."

(81) Trichloroethylene. "Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer."

(82) TTHMs (Total Trihalomethanes). "Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer."

(83) Toluene. "Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver."

(84) Vinyl Chloride. "Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer."

(85) Xylenes. "Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system."

**AUTHORITY:** sections 640.100[, RSMo Supp. 2014,] and [section] 640.125.1, RSMo [2000] 2016. Original rule filed July 1, 1999, effective March 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 9—Record Maintenance**

**PROPOSED AMENDMENT**

**10 CSR 60-9.010 Requirements for Maintaining Public Water System Records.** The department is amending subsection (1)(F), removing language from subsection (4)(D), and correcting rule citations in subsections (4)(C) and (5)(A).

**PURPOSE:** The purpose of this rulemaking is to clarify regulatory requirements for record maintenance by water suppliers at their premises for the indicated time period.

(1) All suppliers of water to a public water system must retain records on their premises or at a convenient location near their premises as follows:

(F) Copies of public notices issued pursuant to 10 CSR 60-8.010 and certifications issued to the department pursuant to 10 CSR 60-7.010/(9)/(10) shall be kept for at least three (3) years after issuance; and

(4) Record-Keeping Requirements for the Ground Water Rule. These requirements are in addition to any other applicable record-keeping requirements of this rule.

(C) Records of decisions under 10 CSR 60-4.025(3)(A)6.B. and records of invalidation of fecal indicator-positive ground water source samples under 10 CSR 60-4.025(3)/(D)/(C). Documentation shall be kept for a period of not less than five (5) years.

(D) For consecutive systems, documentation of notification to the wholesale system(s) of total-coliform positive samples that are not invalidated under [10 CSR 60-4.020(3) until March 31, 2016, or under] 10 CSR 60-4.022(3) [beginning April 1, 2016,] shall be kept for a period of not less than five (5) years.

(5) Recordkeeping requirements of the Revised Total Coliform Rule.

(A) The system must maintain Level 1 and Level 2 assessment forms, regardless of who conducts the assessment, and documentation of corrective actions completed as a result of those assessments, or other available summary documentation of the sanitary defects and corrective actions taken under 10 CSR 60-4.022/(8)/(9) for department review. This record must be maintained by the system for a period not less than five (5) years after completion of the assess-

ment or corrective action.

**AUTHORITY:** section 640.100, RSMo [Supp. 2014] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 11—Backflow Prevention**

**PROPOSED AMENDMENT**

**10 CSR 60-11.010 Prevention of Backflow.** The department is amending subsection (4)(A) and removing subsection (4)(C) and renumbering the section.

**PURPOSE:** This amendment allows the installation of backflow prevention assemblies approved by the American Society of Sanitary Engineering (ASSE).

(4) Department-Approved Backflow Prevention Assemblies.

(A) [The department shall maintain a current list of approved backflow prevention assemblies and shall make this list available to the public upon request.] Only those models of double check valve assemblies and reduced pressure principle backflow prevention assemblies which are approved by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC) or the American Society of Sanitary Engineering (ASSE).

[(C) Only those models of double check valve assemblies and reduced pressure principle backflow prevention assemblies which are approved by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California and are on the approved list maintained by the department are acceptable.]

**AUTHORITY:** section 640.100, RSMo [(Cum. Supp. 1996)] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. Rescinded and readopted: Filed July 11, 1986, effective Jan. 1, 1987. Amended: Filed Dec. 4, 1990, effective July 8, 1991. Amended: Filed Jan. 2, 1997, effective Dec. 29, 1997. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.



**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 11—Backflow Prevention**

**PROPOSED AMENDMENT**

**10 CSR 60-11.030 Backflow Prevention Assembly Tester Certification.** The department is removing subsection (4)(D).

**PURPOSE:** *The amendment removes a provision that is no longer applicable.*

**(4) Recertification Requirements.**

*[(D) Any certified tester who fails the ABPA or ASSE examination within three (3) years of the effective date of this rule shall, upon request and submission of proof having taken and failed the examination, be granted a one (1)-time one hundred twenty (120)-day extension of his/her certification. The tester shall submit, or ensure that the instructor or testing organization submits, to the department a copy of the course roster and test results or other documentation which in the opinion of the department are equivalent.]*

**AUTHORITY:** *section 640.100, RSMo [(Cum. Supp. 1996)] 2016. Original rule filed Jan. 2, 1997, effective Dec. 29, 1997. Amended: Filed June 13, 2018.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 13—Grants and Loans**

**PROPOSED AMENDMENT**

**10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems.** The department is amending the purpose of the rule; amending subsections (1)(A) through (F); incorporating section 640.620, RSMo by reference into

subsection (1)(D) and incorporating 10 CSR 60-3.010 and 10 CSR 60-10.010 by reference into paragraph (1)(F)2.; amending subsection (2)(D); deleting section (3); amending and renumbering section (4); renumbering section (5); deleting section (6); and amending the authority for the rule.

**PURPOSE:** *The amendment revises the rule purpose, incorporates Missouri statute by reference, and eliminates duplicative and unnecessary regulatory requirements.*

**PURPOSE:** *This rule establishes the department's grant eligibility and application procedures requirements and for construction of projects at public water supply districts and rural community water system[s], and providing source water protection grants to support the Conservation Reserve Enhancement Program] pursuant to sections 640.600, 640.605, 640.615 and 640.620, RSMo.*

**(1) Application Requirements.**

*(A) [As required by section 640.615, RSMo, t]The [applicant] recipient must first apply with the agency or other financial source which is to furnish the primary financial assistance, and after the amount of that assistance has been determined, an application for a grant under this rule may be made to and processed by the department. [This requirement may be met by the submittal of a pre-application form and preliminary engineering report to the Missouri Water and Wastewater Review Committee. The] An application shall be submitted on forms provided by the department. The application shall be supported by the necessary documents and forms from other state and federal grant or lending agencies or private lending agencies to enable the department to establish eligibility and need for grant funds.*

*(B) The project for which the grant application is submitted shall comply with appropriate state and local laws, rules and ordinances and is limited to public water supply districts or municipal water supply systems of less than ten thousand (10,000) population.*

*(C) The ratio of contracted users to potential users shall not be less than seventy-five percent (75%).*

*[(C)](D) These grants are to be considered secondary sources of funding and, as such, shall in no case exceed [one thousand four hundred dollars (\$1,400)] the per [contracted] connection amount as specified in section 640.620, RSMo, fifty percent (50%) of the total eligible project cost, or five hundred thousand dollars (\$500,000), whichever is less.*

*[(D)](E) [Other than pre-approved financing costs, no more than fifty percent (50%) of of the total eligible cost will be reimbursed through the grant.] Grant funds [can] may be used for the following costs:*

*1. Construction [contracts] costs for new construction, rehabilitation or upgrade of publicly owned treatment systems including upgrades made to comply with additional safe drinking water requirements.*

*2. Engineering [costs including] services and other services incurred in preparing the design[, planning and construction phase engineering if the costs are supported by an engineering agreement pre-approved by the department. The proportional cost of the engineering will be eligible when the project includes non-eligible construction costs.] drawings and specifications for the project. Such services must have been procured in accordance with state law to be eligible costs.*

*[3. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when they are needed for cash flow purposes for the period between the grant award and the first payment from the department. The approved costs of the grant anticipation notes will be in addition to the approved grant amount.]*

*[(E)](F) The grant application packet shall contain the following*

information:

1. A preliminary engineering cost study for the proposed project including, but not limited to, the following items: development and administration costs; land, structures, right-of-way costs; legal costs; engineering costs; interest costs; equipment costs; contingencies; other costs; and total project costs;

2. An engineering report for the proposed project which is in accordance with *[accepted engineering practices, the current "Design Guide for Community Water System" and "Ten State Standards" and applicable rules should be considered for design standards]* **10 CSR 60-3.010 and 10 CSR 60-10.010;**

3. The information required to determine the cost per contract-connection;

4. The median annual household income of the residents in the district or community *[as determined in the latest federal census];*

5. Information required to determine the ratio of the contracted users to the potential users; *[and]*

6. An evaluation of the *[applicant]* **recipient's** technical, managerial, and financial (TMF) capacity on forms provided by the department. *A[n applicant]* **recipient** that does not meet the TMF capacity requirements established in 10 CSR 60-3.030 shall submit a plan outlining the steps the *[applicant]* **recipient** will take to meet the requirements. The plan shall show the *[applicant]* **recipient** will meet TMF requirements before the project is complete or within one (1) year of the award of the grant unless the department determines that a longer period of time is necessary*[/];*

**7. The ratio of contracted users to potential users; and**

**8. The number of acres being protected for any source water protection project.**

(2) Grant Priorities.

(D) Priority will be given to *[applicants]* **recipients** who consider regionalization or for projects that include regionalization.

*[[3) Approval and Payment of Grants Made and Amended Between March 4, 2007 and August 30, 2007.*

*(A) The applicant shall be notified by the department when the grant application has been approved. Grant award shall be made upon receipt and approval of bid documents and executed contract documents.*

*(B) Full payment of the grant amount for the construction project less any payments processed prior to the date of this rule shall be made at the time of the department's receipt of the executed grant or grant amendment. The following provisions shall apply:*

*1. The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102;*

*2. The full grant award amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;*

*3. Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the costs of construction, equipment and construction phase engineering as the costs are incurred; and*

*4. The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.*

*(C) Any cost of work completed after the department's final inspection approval shall not be an eligible project cost. The grant amount will be reduced, if necessary, to reflect actual project costs as determined by the invoices submitted by the grantee.*

*(D) An audit to verify expenditures of grant funds may be*

*made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in subsection (1)(D) of this regulation will be recovered.]*

*[[4)](3) Approval and Payment of Grant/s Made after August 30, 2007] Funds.*

*(A) The [applicant shall be notified by the department when the grant application has been approved. G/]grant award shall be made upon receipt and approval of bid documents, [and/] executed contract documents, and demonstration by the recipient that the funding for the total project costs has been secured. The department, based on the status of state funding, may elect to pay out the full grant amount at the time of grant award or to make payments to the grantee.*

*(B) If the department elects to make full payment of the grant amount for the construction project, payment shall be made at the time of the department's receipt of the executed grant document. The following provisions shall apply:*

*1. The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102;*

*2. The full grant award amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;*

*3. Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the eligible costs shown in subsection (1)(D) of this rule except that one hundred percent (100%) of the reasonable costs associated with a grant anticipation loan will be eligible when this financing is pre-approved by the department.*

*4. The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.*

*5. The bank account may earn interest; however, all withdrawals from the account must be documented with eligible invoices. If the project costs are inadequate to withdraw all the funds in the account, the balance must be refunded to the department.*

*(C) [If the department elects to make grant payments rather than fund the full grant, payment can be requested no more frequently than monthly.] The department will provide a payment request form for the grantee to use. The payment request must be supported by invoices that document the costs incurred.*

*(D) [Any cost of work completed after the department's final inspection approval shall not be an eligible cost.] The grant amount will be reduced, if necessary, to reflect actual project costs as determined by the invoices submitted by the grantee.*

*(E) An audit to verify expenditure of grant funds may be made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in [paragraph (4)(B)3.] subsection (1)(D) of this regulation will be recovered.*

*(F) Any funds remaining in the escrow account [three (3)] two (2) years after the date of the initial grant payment will be recovered by the department. On grants that are paid incrementally by the department, no payments will be made after [three (3)] two (2) years from the initial grant award acceptance unless an extension is granted by the department.*

*(G) An audit to verify expenditure of grant funds may be made by the department [after the completion of each approved project]. Any funds found not expended for the purposes listed in subsection (1)(D) of this regulation will be recovered.*

*[[5)](4) If at any time during the first twenty (20)-years of the design life of the facility(ies) funded under this rule the facility is sold, leased or otherwise transferred, either outright or on a contract for deed or lease-purchase agreement, to other than a political subdivision of the state, the state shall require reimbursement of the grant funds. The total amount of the grant funds to be reimbursed shall be based on a twenty (20)-year straight-line depreciation. Grant funds to*

be reimbursed, shall become due and payable upon transfer of ownership of the facility(ies).

*[(6) Grants for Conservation Reserve Enhancement Program Participants.*

*(A) Program Description and Definition of Terms.*

1. The Conservation Reserve Enhancement Program (CREP) is a state-federal partnership program targeted to address specific water quality, soil erosion and wildlife habitat issues related to agricultural use. The CREP uses financial incentives to encourage farmers to voluntarily enroll in contracts to remove lands from agricultural production and, instead, to implement approved conservation reserve practices.

2. Approved conservation reserve practices in this program are: introduced grasses and legumes, native grasses, hardwood tree planting, wildlife habitat, contour grass strips, filter strips, riparian buffers, and wetland restoration.

3. The purpose of the grants provided under this section (6) is to provide an additional cash incentive ("rental enhancement payment") to farmers to encourage participation in CREP. The rental enhancement payment is a per-acre cash payment to participating farmers for land enrolled in the CREP that is in addition to other payments or financial assistance from federal or state funds and is a percentage of the annual base rental payment.

4. The annual base rental payment is the average weighted soil rental rate for the three (3) predominant soil types on the acreage offered. The U.S. Department of Agriculture maintains this information on a county-by-county basis for the entire country.

*(B) Application Requirements.*

1. As required by section 640.615, RSMo, the applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance. After the amount of that assistance has been determined, an application for a grant shall be submitted on forms provided by the department. The application shall be supported by the necessary documents and forms from other state and federal grant or lending agencies or private lending agencies to enable the department to establish eligibility and need for grant funds.

2. The application shall contain:

A. The number of acres being protected;

B. The source for the local match;

C. A letter from the local soil conservation district approving the proposed practices to be implemented including a reasonable time line for completion;

D. A legal description of the project; and

E. The name and address of the farmer(s) (subrecipients) proposing the practices.

3. The project for which the grant application is submitted shall comply with appropriate state and local laws, rules and ordinances. These projects shall be limited to those areas with a source water protection program approved by the department.

4. These grants are to be considered secondary sources of funding and, as such, shall in no case exceed one thousand four hundred dollars (\$1,400) per contracted connection, fifty percent (50%) of the total project cost, or five hundred thousand dollars (\$500,000), whichever is less.

5. A local match for the rental enhancement payment grant is expected.

A. The department expects rental enhancement payment grants not to exceed the product of five percent (5%) of the annual base rental payment times the duration of the contract in years (for example, if the contract is in effect fifteen (15) years, the rental enhancement grant would equal

seventy-five percent (75%) of the total of all annual base rental payments), and expects this to be matched with an equal amount of other nonfederal funding.

B. Funding priority will be given to those applicants that offer the highest percentage of matching funds. If matching funds are not available, the applicant may request a reduction or waiver of the match requirement, in which case the rental enhancement payment grant shall not exceed the product of ten percent (10%) of the annual base rental payment times the duration of the contract in years.

*(C) Approval and Payment of Grants.*

1. The applicant shall be notified by the department when the grant application has been approved.

2. Payments will be made to the recipient after completion of the approved practice. These grant payments shall be made immediately available to the farmer (subrecipient) implementing the practices. Grant payments to the recipient may be combined to cover multiple subrecipients.

3. The payment procedures in subsections (5)(B) and (5)(C) of this rule may be used by the department in order to better manage the cash available to the department. The department will notify the CREP fund recipient if this occurs.

(D) If a subrecipient fails to carry out the terms and conditions of the CREP contract, the state may require reimbursement of the rental enhancement payment portion of the grant with interest.]

**AUTHORITY:** sections 640.600, 640.605, 640.615, and 640.620, RSMo [2000] 2016. This rule was previously filed as 10 CSR 60-2.020 Sept. 21, 1973, effective Oct. 1, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10 a.m. on August 16, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Springs/Roaring River Conference Rooms, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 13—Grants and Loans**

**PROPOSED AMENDMENT**

**10 CSR 60-13.020 Drinking Water State Revolving Fund [Loan] Program.** The department is amending the purpose of the rule; incorporating section 1452 of the Safe Drinking Water Act by reference into the purpose of the rule; amending section (1); incorporating 640.107, RSMo, and 40 CFR 35.3505 by reference into paragraph (1)(A)1.; incorporating 40 CFR 35.3520 by reference into subsection (1)(B); incorporating 40 CFR 35.3555 and section 640.107, RSMo into subsection (1)(E); deleting subsection (1)(C); renumbering subsections (1)(D) and (E); amending sections (2);

incorporating 10 CSR 60-3.010 and 10 CSR 60-10.010 by reference into subsection (2)(D); incorporating 10 CSR 60-13.030 by reference into paragraph (2)(G)6.; incorporating 40 CFR 35.3575 by reference into paragraph (2)(G)7.; incorporating 2 CFR part 200 subpart F by reference into subparagraph (2)(I)2.B.; incorporating 109 RSMo by reference into subsection (2)(J); incorporating 67.5060 RSMo by reference into subsection (2)(L); incorporating 290.210-290.340, RSMo and 8 CFR 30 chapter 3 by reference into paragraph (2)(M)8.; incorporating 2 CFR 200.321 and 40 CFR part 33 by reference into paragraph (2)(M)9.; incorporating 2 CFR part 180 subpart C by reference into paragraph (2)(M)10.; incorporating 29 CFR 5.5 by reference into paragraph (2)(M)13.; incorporating 34.057 RSMo. by reference into paragraph (2)(Q)1.; deleting subsections (2)(A), (C), (E), (F), and (R); renumbering subsections (2)(B), (D), (G) through (Q); adding a new subsection (2)(N), titled *Procurement of Design-build Services*; incorporating 67.5060 RSMo by reference into the new subsection (2)(N); deleting sections (3) and (4); amending subsections (5)(A), (C), (D), and (F); incorporating 40 CFR 35.3525 by reference into paragraph (5)(F)1.; deleting subsections (5)(B) and (E); renumbering subsections (5)(A), (C), (D), (F), and (G); adding new subsections (5)(E), titled *Target Interest Rate*, and (5)(G); amending section (6); renumbering section (6); and adding a new section (5), titled *Disadvantaged Communities*.

**PURPOSE:** *This amendment removes language that is no longer applicable, clarifies current regulatory language, updates new state and federal requirements, and removes duplicative and unnecessary regulatory requirements.*

**PURPOSE:** *This rule sets forth eligibility and [application] program requirements for [applicants for loans] financial assistance from the Drinking Water State Revolving Fund [established] program authorized pursuant to section 1452 of the federal Safe Drinking Water Act, as amended, and in section 640.107, RSMo [as a subfund of the Water and Wastewater Loan Fund, and describes the evaluation and priority point award process].*

*[The rule establishes requirements for loan recipients, including binding commitments, pre-closing, loan closing, accounting, record keeping, procurement and contract requirements. Eligible and noneligible costs are specified. Criteria for project by-pass, project removal and modification of funding are established. The leveraged loan structure for the Drinking Water Revolving Fund established in section 640.107, RSMo as a subfund of the Water and Wastewater Loan Fund is described.]*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Application and Eligibility Requirements. This section applies to [applicants for loan] recipients of financial assistance from the Drinking Water State Revolving Fund [established in section 640.107, RSMo, as a subfund of the Water and Wastewater Loan Fund] (DWSRF) program. Recipients of assistance [under the American Recovery and Reinvestment Act (ARRA) of 2009] are subject to the requirements of this regulation, unless otherwise specified. The Code of Federal Regulations referenced in the regulation are incorporated as published July 1, 2017. The regulations are incorporated by reference without any later amendments or modifications. To obtain a copy, contact the U.S. Government Printing Office at 732 North Capitol Street NW, Washington, D.C., 20401, toll free at (866) 512-1800 or by visiting

<https://bookstore.gpo.gov>. To obtain the decennial median household income visit the U.S. Census Bureau American Fact Finder webpage [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml), contact the U.S. Census Bureau, 4600 Silver Hill Road Suitland, MD 20746, or toll free at (800) 923-8282.

(A) Definitions.

1. The terms and definitions in section 640.107, RSMo, 10 CSR 60-2.015, and 40 CFR 35.3505, apply to the rules in this chapter.

[2. Additional terms specific to the Drinking Water State Revolving Fund (DWSRF) program are defined in this subsection.

A. ARRA—American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

B. Binding commitment—A legal obligation by the state to a local recipient that defines the terms and the timing for assistance under the Drinking Water Revolving Fund.

C. Comprehensive project list—The list of all eligible projects for which applications have been received and evaluated.

D. Drinking Water Revolving Fund (DWRf)—The drinking water revolving fund for loans established as a subfund of the Water and Wastewater Loan Fund by section 640.107, RSMo. The DWRf shall be maintained and accounted for separately, and moneys in the DWRf shall be used only for purposes authorized in the federal Safe Drinking Water Act (SDWA).

E. Drinking Water State Revolving Fund (DWSRF)—The entire program established under section 1452 of the federal Safe Drinking Water Act (SDWA), which includes DWRf loans and other activities allowed under that section of the SDWA.

F. Equivalency projects—Projects that must total the amount equal to the federal capitalization grants and must comply with environmental review requirements and federal cross-cutting authorities.

G. Fundable list—The list of projects to receive funding during the fiscal year covered by the intended use plan (IUP).]

[H.]2. Initiation of operation—The date when the first [construction contract is completed and the] constructed component is capable of being used for its intended purpose.

[I. Intended use plan—A document prepared each year that identifies the intended uses of the funds in the DWSRF and describes how those uses support the goals of the DWSRF.]

3. PSC—Missouri Public Service Commission.

4. EIARA—State Environmental Improvement and Energy Resources Authority.

5. Loan—Unless stated otherwise, loan generally refers to the agreement to lend money to an eligible recipient. The type of agreement could be a loan agreement, bond purchase agreement, or other debt instrument.

6. Recipient—The recipient of financial assistance from programs supported or secured by the Water and Wastewater Loan Fund, the Water and Wastewater Loan Revolving Fund, DWSRF bonds issued by EIARA, or state bond funds.

(B) Eligible [Public Water Systems] Projects and Project-Related Costs. This subsection incorporates the federal requirements in 40 CFR 35.3520.

[1. Community water systems and not-for-profit non-community water systems located in Missouri that are not federally owned are eligible to apply for DWRf loans. Eligibility to apply does not guarantee assistance or eligibility for assistance.

2. All other types of public water systems are not eligible to apply for DWRf loans.

*(C) Eligible Projects.*

1. Assistance may be provided for expenditures (not including monitoring, operation, and maintenance expenditures) of a type or category which will facilitate compliance with national primary drinking water regulations applicable to the system or otherwise significantly further the health protection objectives of the federal Safe Drinking Water Act (SDWA).

2. Projects to address federal SDWA health standards identified in the intended use plan or in the DWRF loan priority point criteria that have been exceeded and projects to prevent future violations of the rules are eligible for funding. These include projects to maintain compliance with existing regulations for contaminants with acute health effects (such as the Surface Water Treatment Rule, the Total Coliform Rule, and nitrate standard) and regulations for contaminants with chronic health effects (such as Lead and Copper Rule, Phases I, II, and V Rules, and safety standards for total trihalomethanes, arsenic, barium, cadmium, chromium, fluoride, mercury, selenium, combined radium-226, -228, and gross alpha particle activity).

3. Projects to address imminent federal SDWA health standards (identified in the annual intended use plan) that have been exceeded or to prevent future violations of the anticipated rules are eligible for funding.

4. Projects to replace aging infrastructure are eligible if they are needed to maintain compliance or further the public health protection objectives of the federal SDWA. Examples of these include projects to:

A. Rehabilitate or develop sources (excluding reservoirs, dams, dam rehabilitation and water rights) to replace contaminated sources;

B. Install or upgrade treatment facilities if, in the department's opinion, the project would improve the quality of drinking water to comply with primary or secondary standards;

C. Install or upgrade storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering the water system; and

D. Install or replace transmission and distribution pipes to prevent contamination caused by leaks or breaks in the pipe, or improve water pressure to safe levels.

5. Projects to consolidate water supplies (for example, when individual homes or other public water supplies have a water supply that is contaminated, or the system is unable to maintain compliance for financial or managerial reasons) are eligible for DWRF loan assistance.

6. The purchase of a portion of another system's capacity is eligible for a loan if it is the most cost-effective solution.]

*[(D)](C) Application Procedures.*

1. Application deadline.

A. Applications must be postmarked or received by the Water Protection Program by the calendar date established in the annual application package as the application deadline. The deadline will be no sooner than sixty (60) days after the application package is made available. The department may extend this deadline if insufficient applications are received to use all of the funds expected to be available. **Applications are valid for two (2) intended use plan cycles. Applications received after the deadline may be placed on a priority list as determined by the commission based on availability of funds.**

*[B. Applications for ARRA funding will be accepted upon announcement by the department and must meet program guidance and federal law or regulations as appropriate and applicable.]*

*[C.]B. [Applicants] Recipients that have an outstanding [state revolving fund (SRF)] loan balance with the department*

must be in compliance with the terms and conditions of their loan agreements to be eligible for additional funding.

2. *[Applicants] Recipients* shall provide:

A. A completed application form provided by the department;

B. Documentation that they have a chief operator certified at the appropriate level, or expect to have prior to loan award;

C. Documentation that they have an emergency operating plan, or expect to have prior to loan award;

D. Any additional information requested by the department for priority point award or project evaluation;

E. Any additional information request by the department to determine the *[applicant's] recipient's* compliance history and technical, managerial, and financial capacity as required under the federal **Safe Drinking Water Act (SDWA)**; and

F. Any additional information for determination of financial capability of the *[applicant] recipient*. This may include but is not limited to: changes in economic growth, changes in population growth, depreciation, existing debt, revenues, project costs, and effects of the project on user charge rates.

3. Unsuccessful *[applicants] recipients* requesting funds during a given fiscal year who have completed the requirements in this section (1) shall be considered for funding the next fiscal year and need not reapply.

4. By submission of its application, the *[applicant] recipient* certifies and warrants that he/she has not, nor will through the DWSRF loan amortization period, violate any of his/her *[bond] debt* covenants.

*[(E)](D) [Evaluation and Priority Point Award] Intended Use Plan. The department will prepare an annual intended use plan in accordance with 40 CFR 35.3555 and section 640.107, RSMo. The annual intended use plan is approved by the commission after public notice and public comment.*

*[1. Projects will be assigned priority points in accordance with the DWRF loan priority point criteria and, in addition, applications seeking ARRA funding shall also be rated in accordance with the ARRA and corresponding guidance. The department shall annually seek public review and comment on the DWRF loan priority point criteria. The commission shall approve the DWRF loan priority point criteria at least sixty (60) days prior to the annual application deadline.*

*2. Projects will be listed in the intended use plan in priority order according to the number of priority points assigned to the project. Projects accumulating the same number of total priority points will be ranked using the tie-breaking criteria in the DWRF loan priority point criteria. In addition, applications seeking ARRA funding shall also be rated in accordance with the ARRA and corresponding guidance.*

*3. The department shall prepare and seek public comment on an annual intended use plan that meets or exceeds federal requirements, including the list of proposed projects. The commission may hold one (1) or more public meetings or public hearings on the intended use plan for loans. Any applicant aggrieved by his/her standing may appeal to the commission during the public comment process.*

*4. No DWRF loan assistance shall be provided to a public water system that does not have the technical, managerial, and financial (TMF) capacity to ensure compliance with the federal SDWA, unless the owner or operator of the system agrees to undertake feasible and appropriate changes to ensure that the system has TMF capacity.*

*5. No DWRF loan assistance shall be provided to a public water system that is in significant noncompliance with any requirement of a national primary drinking water regulation or variance unless use of the assistance will ensure compliance.*

*6. The department may hold a separate competition for*

*projects seeking funding whenever appropriate and allowed by federal law.]*

(2) Requirements for [Loan] Assistance Recipients. This section applies to recipients of [loans from] the [Drinking Water Revolving Fund established in section 640.107, RSMo, as a subfund of the Water and Wastewater Loan Fund. The recipient must satisfy more stringent requirements if required to do so by federal, state, or local statutes, policies, rules, ordinances, guidance, or orders] DWSRF program.

[(A) Leverage Loans. The department may direct projects toward the leveraged loan structure described in section (4) of this rule. The department's decisions shall be based upon the amount of DWRf assistance funds available, the amount of DWRf assistance funds requested, the size of the project, the credit worthiness of the applicant and the applicant's authority to incur long-term debt. For such projects, the requirements in section (4) apply in addition to the requirements in sections (1)–(3) of this rule.]

[(B)](A) Fees.

1. [Under the authority of section 644.106, RSMo,] **Loan Fees.** [t/The department may charge [an administrative fee on assistance made pursuant to Chapter 644, RSMo, which includes the Water and Wastewater Loan Fund. The Drinking Water Revolving Fund is a subfund of that fund. The department and Clean Water Commission set the administrative fee under their authority in section 644.106, RSMo and the fee does] **annual loan fees** not to exceed one-half percent [(1%)] **(0.5%)** of the outstanding loan balance of each [DWRf] loan, **except as provided under paragraph (2)(A)2.**

2. Additional administrative fees. Additional administrative fees may be assessed by the department, [under the authority of section 644.106, RSMo,] at the time the administration fee is calculated for failure by a recipient to **pay debt service on the loan** or submit approved documents to the department (for example, operation and maintenance manuals, [plan of operation,] enacted user charge and water use ordinances, executed contract documents) in accordance with the time frames provided under the program agreement entered into by the recipient. The additional fee will be an additional one-tenth percent **(0.1%)** per month that the document remains delinquent. The additional fee **for delinquent documents** will be collected only during the year in which the document is not submitted.

[(C) Equivalency Projects. For equivalency projects the recipient and its contractors must comply with all requirements associated with funds provided under the federal Safe Drinking Water Act. The department will identify equivalency projects and notify potential loan recipients.]

[(D)](B) **Engineering Report and Design.** **Engineering report and [D]design** of projects for [community] **eligible** water systems shall conform [with accepted engineering practices. Design of projects for applicable noncommunity water systems shall conform] with [accepted engineering practices and the current "Standards for Non-Community Public Water Supplies." A preliminary design submittal, including the design criteria and facilities layout sheet, may be required at approximately the twenty percent (20%) design stage] **10 CSR 60-3.010 and 10 CSR 60-10.010.**

[(E) Public Participation. The public must be allowed an opportunity to exchange ideas with the applicant during project development. Public participation must be preceded by timely distribution of information and must occur sufficiently in advance of decision making to allow the recipient to assimilate public views into action. At a minimum, the recipient must provide the opportunities for public participation listed in this subsection, except that Public Service Commission (PSC)-regulated utilities must proceed through appropriate procedures established by the PSC.

1. A public meeting shall be conducted to discuss the alternative engineering solutions. Public notice of the meeting should be published at least thirty (30) days prior to the meeting date in one (1) or more local newspapers, as needed to cover the project service area. The recipient shall prepare a transcript, recording, or other complete record of the proceeding along with proof of publication and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review.

2. Prior to approval of the draft user charge ordinance, a public meeting shall be conducted to address the proposed user charge rates. Public notice of the meeting should be published at least thirty (30) days prior to the meeting date in one (1) or more local newspapers, as needed to cover the project service area. The recipient shall prepare a transcript, recording, or other complete record of the proceeding along with proof of publication and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review.

3. Public participation requirements for environmental review are in 10 CSR 60-13.030.

(F) **Binding Commitment.** In order for the department to offer to enter into a binding commitment, all documents and information required in this subsection (2)(F) must be submitted to the department at least sixty (60) days prior to the applicant's binding commitment deadline established by the department.

1. **Engineering report.** The applicant must submit an engineering report that meets or exceeds the requirements in this subsection and applicable public participation requirements in subsection (2)(E) of this rule.

A. Engineering reports of projects for community water systems must be in accordance with accepted engineering practices. References such as the current "Design Guide for Community Water Systems" and "Ten State Standards" should be considered for design standards.

B. Engineering reports of projects for non-community water systems must be in accordance with accepted engineering practices and the current "Standards for Non-Community Public Water Supplies."

C. The most feasible, economic and environmentally sound alternatives for providing safe drinking water must be studied and evaluated.

D. An estimate of the average user charge including documentation of the basis of the estimate must be included.

E. An assessment of the environmental conditions and impact of the proposed project on the environment is required.

2. Detailed project budget. A detailed proposed project budget shall be submitted.

3. Project schedule. A proposed project schedule shall be submitted, including, at a minimum:

A. Construction start defined as date of issuance of notice to proceed;

B. Construction completion;

C. Initiation of operation; and

D. Project completion.

4. Environment review. All applicable environmental review requirements in 10 CSR 60-13.030 must be completed before the department enters into a binding commitment with the applicant.]

[(G)](C) **Additional Preclosing Requirements.** [After the department has entered into a binding commitment with the applicant, the following requirements must be met before loan closing can occur.] All documents [and information] necessary



to provide assistance must be submitted to the department in sufficient time to allow adequate time for review and *[must be approved sixty (60) days]* **approval** prior to the loan closing date established by the department. The department may extend deadlines if justified.

1. Final document submittal. The following documents must be submitted to and approved by the department:

A. Resolution identifying the authorized representative by name. *[Applicants/ Recipients]* for assistance under the DWSRF **program** shall provide a resolution by the governing body designating a representative authorized to file the application for assistance, reimbursement requests and act in behalf of the *[applicant/ recipient]* in all matters related to the project;

B. *[Any and all changes to the proposed project schedule]* **Proposed project schedule. The following represents the minimum requirements for the project schedule;**

(I) **Construction start defined as date of issuance of notice to proceed;**

(II) **Construction completion;**

(III) **Initiation of operation; and**

(IV) **Project completion;**

C. *[Draft e/Engineering contract as described in subsection (2)(L)](G)* of this rule and the appropriate procurement documentation as described in subsection (2)(H) or subsection (2)(N);

D. **Engineering report and** *[P/]*plans and specifications certified by a registered professional engineer licensed in Missouri;

E. Certification of easements and real property acquisition. Recipients of assistance under the DWSRF *[loan]* program shall have obtained title or option to the property or easements for the project prior to loan closing;

F. Draft user charge and water use ordinances as described in paragraphs (2)(G)(C)3. and 4. of this rule; and

G. Other information or documentation deemed necessary by the *[applicant/ recipient]* or the department to ensure the proper expenditure of DWSRF funds.

2. Projects serving multiple water systems. Prior to closing, if the project serves two (2) or more public water systems, the *[applicant/ recipient]* shall submit executed agreements or contracts between the public water systems for the financing, construction, and operation of the proposed facilities. *[At a minimum, the agreement or contract shall include:]*

*[A. The operation and maintenance responsibilities of each party upon which the costs are allocated;*

*B. The formula by which the costs are allocated; and*

*C. The manner in which the costs are allocated.]*

3. User charge (water rate) ordinance.

A. For non-PSC-regulated utilities:

(I) *[Loan r/]*Recipients are required to maintain, for the useful life of the project, user charge ordinances approved by the department. User charge ordinances, at a minimum, shall be adopted prior to financing and implemented by the initiation of operation of the financed project. *A copy of the enacted ordinances shall be submitted prior to initiation of operation;*

(II) The user charge system shall be designed to produce adequate revenues required for the operation and maintenance, including a reserve for equipment replacement. A one hundred ten percent (110%) debt service reserve may be required. Each user charge system shall:

(a) Be based upon actual use;

(b) Include an adequate financial management system that will accurately account for revenues generated by the system, debt service and loan fee costs, and expenditures for operation and maintenance, including replacement based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the costs of personnel, material, energy, and administration; and

(c) Provide for an annual review of charges; and

(III) The *[loan]* recipient shall submit to the department,

for review and approval, the methodology used for determining user rates.

B. PSC-regulated utilities shall comply with the requirements of the PSC in developing and implementing their user charge ordinances but shall ensure that sufficient rates and charges are in effect to satisfy bond covenants throughout the term of the loan.

4. Water use ordinance. *[Applicants/ Recipients]* dependent on user fees for debt payment or operation and maintenance expenses shall have in place an enforceable water use ordinance prior to loan closure. The water use ordinance shall address water system responsibilities and customer responsibility relating to installation and maintenance of water meters and water lines; easements; alternative sources of water; and provisions for breach of contract and liquidated damages. The water use ordinance is intended to be an effective business tool for the efficient management of the water system.

5. Additional requirements for privately-owned public water systems. Privately-owned public water systems must provide documentation from the Missouri Department of Economic Development showing an allocation under Missouri's private activity bond cap and must obtain any necessary approvals from the *[Public Service Commission]* PSC.

6. **Environmental review. All applicable environmental review requirements in 10 CSR 60-13.030 must be completed before the department enters into a binding commitment with the recipient.**

7. **Cross-cutters. Recipients shall comply with Federal cross-cutting authorities unless an exemption is provided through department policy, as outlined in accordance with 40 CFR 35.3575.**

*[(H)](D)* Operation and Maintenance.

*[1. Plan of operation.*

*A. If required by the department, the recipient of assistance for construction of public water systems must make provision satisfactory to the department for the development of a plan of operation designed to assure operational efficiency be achieved as quickly as possible. A plan of operation must be submitted by fifty percent (50%) construction completion and approved by ninety percent (90%) construction completion.*

*B. The recipient will ensure that the schedule of tasks as outlined in the approved plan of operation is implemented and completed in accordance with the schedules and prior to final inspection of the project. Plan of operations must be approved by the official project start-up date.]*

*[2.]1. Operation and maintenance manual. The recipient must make provision satisfactory to the department for assuring effective operation and maintenance of the constructed project throughout its design life. If required by the department, recipients of assistance for construction of mechanical facilities must make provision satisfactory to the department to develop for approval an operation and maintenance manual. The operation and maintenance manual, if required, must be submitted by [eighty percent (80%)] final construction completion.*

*[3.]2. Start-up training. At [fifty percent (50%)] construction completion, a start-up training proposal (if required) and proposed follow-up services contract must be submitted. This contract must be approved by ninety percent (90%)] by final construction completion.*

*[4.]3. Certified operator. The recipient must make provision satisfactory to the department for assuring that certified operator(s) and maintenance personnel are hired in accordance with an approved schedule.*

*[5.]4. System certification. If required by the department, [O/one (1) year after initiation of operation of the constructed public water system, the recipient shall certify to the department whether or not the public water system meets the project performance standards. Any statement of noncompliance must be accompanied by a corrective action report containing an analysis of the cause of the project's*



inability to meet performance standards, actions necessary to bring it into compliance, and reasonably scheduled date for positive certification of the project. Timely corrective action shall be executed by the recipient.

*[(I)](E)* Accounting and Audits. *[Applicants]* **Recipients** are required to have a dedicated source for repayment of any loans and an adequate financial management system and audit procedure for the project which provides efficient and effective accountability and control of all property, funds, and assets related to the project. The *[applicant's]* **recipient's** financial system is subject to state or federal audits to assure fiscal integrity of public funds.

1. Each recipient is expected to have an adequate accounting system for the project which provides efficient and effective accountability and control of all property, funds, and assets.

A. The recipient is responsible for maintaining a financial management system which will adequately provide for an accurate, current, and complete disclosure of the financial results of each *[loan]* **DWSRF** project. The proprietary fund (business-related fund) accounting will be in accordance with generally accepted government accounting principles and practices, regardless of the source of funds.

B. An acceptable accounting system includes books and records showing all financial transactions related to the construction project. The system must document all receipt and disbursement transactions/. *It also must* and group them by type of account (for example, asset, revenue, expense, etc.) and by individual expense account (for example, personnel salaries and wages, subcontract costs, etc.) The recipient shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly the amount, receipt, and disposition by the recipient for all assistance received for the project and the total costs of the project of whatever nature incurred for the performance of the project for which the assistance was awarded. *[Some of the minimum standards for an adequate accounting system are:]*

*[(I)]* The accounting system should be on a double entry basis with a general ledger in which all transactions are recorded in detail or in summary from subordinate accounts;

*[(II)]* Recording of transactions pertaining to the construction project should be all inclusive, timely, verifiable, and supported by documentation;

*[(III)]* The system must disclose the receipt and use of all funds received in support of the project;

*[(IV)]* Responsibility for all project funds must be placed with either a project manager or trust agent;

*[(V)]* Responsibility for accounting and control must be segregated from project operations. The accounting system and related procedures should be documented for consistent application;

*[(VI)]* The proprietary fund must use the modified accrual or accrual basis of accounting as it provides an effective measure of costs and expenditures;

*[(VII)]* Inventories of property and equipment should be maintained in subordinate records controlled by the general ledger and should be verified by physical inventory at least biennially;

*[(VIII)]* The accounting system must identify all project costs and differentiate between eligible and ineligible costs;

*[(IX)]* Accounts should be set up in a way to identify each organizational unit, function, or task providing services to the construction project;

*[(X)]* An important project management objective of the system is the derivation of information regarding actual versus budgeted costs by project task and performing organization; and

*[(XI)]* Financial reports should be prepared monthly to provide project managers with a timely, accurate status of

*the construction project and costs incurred.]*

## 2. Annual *[audits]* Audited Financial Statements.

A. The recipient shall *[request]* cause an audit of the *[system]* **recipient's annual financial report** for the prece/e/ding fiscal year to be made by a certified public accountant or firm of certified public accountants employed for that purpose.

(I) The annual audit will cover in reasonable detail the operation of the proprietary system during the fiscal year.

(II) Within one hundred eighty (180) days after the end of the recipient's fiscal year, a copy of the annual *[audit]* **financial report** will be submitted to the department as long as the recipient is in loan repayment status. A recipient who cannot meet this deadline will notify the department in writing of the delay with the expected date of completion.

*[(III)]* Annual audits shall be required as long as the recipient is in loan repayment status.]

B. As required by federal law, *[the]* a recipient must comply with the provisions of *[OMB Circular A-133]* **2 CFR part 200 subpart F** governing the audit of state and local governments. When applicable, a copy of the recipient's annual audit, including all written comments and recommendations of the accountant, will be furnished to the department within the time period as provided in **2 CFR part 200 subpart F**.

*[(I)]* OMB Circular A-133 states if the recipient receives five hundred thousand dollars (\$500,000) or more in the aggregate during any fiscal year from disbursements from federal sources, including the SRF program, the recipient will complete an audit of its system records for the fiscal year.

*[(II)]* A copy of the recipient's annual audit, including all written comments and recommendations of the accountant, will be furnished to the department within the time period as provided in OMB Circular A-133.]

## *[(J)](F)* Record Retention Requirements.

*[1. Construction-related activities. At a minimum, t/The* recipient must retain all *[financial, technical, and administrative]* records *[related to the planning, design, and construction of the project for a minimum period of seven (7) years following receipt of the final construction payment from DWRF loan program associated assistance or the recipient's acceptance of construction, whichever is later. Records shall be available to state, federal officials, or both, for audit purposes during normal business hours during that period.]* according to the retention schedules established by chapter 109, RSMo. A longer retention period may be required under the loan documentation.

*[2. Post-construction financing activities. At a minimum, the recipient must retain all financial and administrative records related to post-construction project financing for a minimum period of seven (7) years following full repayment of any assistance on the DWRF loan program project.]*

*[(K)](G)* Minimum Requirements for Architectural or Engineering Contracts.

1. General requirements *[for subagreements. The subagreement]* must:

A. Be necessary for and directly related to the accomplishment of the project;

B. Be a lump sum or cost plus fixed fee contract in the form of a bilaterally executed written agreement;

C. Be for monetary consideration;

D. Not be in the nature of a grant or gift;

E. State a time frame for performance;

F. State a cost which cannot be exceeded except by amendment; and

G. State provisions for payment.

2. The nature, scope, and extent of work to be performed during construction should include, but not be limited to, the following:

*[A. Preparing a plan of operation if required by the department that meets the requirements of paragraph*

(2)(H)1. of this rule;]

[B./A. Preparing an operation and maintenance manual if required by the department that meets the requirements of paragraph (2)(H)2.](D)1. of this rule;

[C./B. Assisting the recipient in letting bids;

[D./C. Assisting the recipient in reviewing and analyzing construction bids and making recommendations for award;

[E./D. Inspecting during construction to ensure conformance with the construction contract documents unless waived by the department; and

[F./E. Assisting with facility operation for purposes of certifying that the facility is operating properly one (1) year after start-up to meet the requirements of paragraph (2)(D)4. of this rule.

3. Executed engineering contract submittal. The final approved executed engineering contract must be submitted prior to the first reimbursement request.

[(L)/(H) Procurement of Engineering Services. The procurement of engineering services shall be in accordance with sections 8.285 through 8.291, RSMo or section 67.5060, RSMo.

[(M)/(I) Specifications. The construction specifications must contain the following:

1. Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description, in competitive procurement, shall not contain features which unduly restrict competition unless the features are necessary to test or demonstrate a specific thing or to provide for interchangeability of parts and equipment. The description shall include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use;

2. The recipient shall avoid the use of detailed product specifications if at all possible;

3. When, in the judgment of the recipient, it is impractical or uneconomical to make a clear and accurate description of the technical requirements, recipients may use a brand name as a means to define the performance or other salient requirements of an item to be procured. The recipient need not establish the existence of any source other than the named brand. Recipients must state clearly in the specification the salient requirements of the named brand which must be met by offerors and that other brands may be accepted;

4. Sole source restriction. A specification shall not require the use of structures, materials, equipment, or processes which are known to be available only from a sole source, unless the department determines that the recipient's engineer has adequately justified in writing to the department that the proposed use meets the particular project's minimum needs;

5. Experience clause restriction. **The general use of experience clauses is restricted to special cases.**

A. The general use of experience clauses requiring equipment manufacturers to have a record of satisfactory operation for a specified period of time or of bonds or deposits to guarantee replacement in the event of failure is restricted to special cases where the recipient's engineer adequately justifies any such requirement in writing. Where this justification has been made, submission of a bond or deposit shall be permitted instead of a specified experience period. The period of time for which the bond or deposit is required shall not exceed the experience period specified;

B. **The general use of experience clauses requiring contractors to have a record of satisfactory experience for a specified period of time or the completion of a specified number of similar projects is restricted to special cases where the recipient's engineer adequately justifies any such requirement in writing. Such justification shall not unduly restrict competition or result in excessive bonding requirements. Where this justification has been made, submission of a bond or deposit shall be permitted instead of the specified experience. The period of time for which the bond or deposit is required shall not exceed the experience**

period specified;

6. Domestic products procurement law[.] requirements [./]in accordance with sections 34.350–34.359, RSMo[, the bid documents shall require all manufactured goods or commodities used or supplied in the performance of any contract or sub-contract awarded on a loan project to be manufactured, assembled, or produced in the United States, unless obtaining American-made products would increase the cost of the contract by more than ten percent (10%)];

7. Bonding. On construction contracts exceeding [one hundred] fifty thousand dollars [(\$100,000)] (\$50,000), the bid documents shall require each bidder to furnish a bid guarantee equivalent to five percent (5%) of the bid price. In addition, the bid documents must require the successful bidder to furnish performance and payment bonds, each of which shall be in an amount not less than one hundred percent (100%) of the contract price;

8. State wage determination[. The bid documents shall contain the current prevailing wage determination issued by the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, if otherwise required by law] in accordance with section 290.210-290.340 RSMo and 8 CFR 30 chapter 3;

9. [Small, minority, women's, and labor surplus area businesses.] **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms requirements in accordance with 2 CFR 200.321 and 40 CFR part 33.**

[A. The recipient shall take affirmative steps and the bid documents shall require the bidders to take affirmative steps to assure that small, minority, and women's businesses are used when possible as sources of supplies, construction, and services.

B. If the contractor awards subagreements, then the contractor is required to take the affirmative steps in this paragraph (2)(M)9.

C. Affirmative steps shall include the following:

(I) Including qualified small, minority, and women's businesses on solicitation lists;

(II) Ensuring that small, minority, and women's businesses are solicited whenever they are potential sources;

(III) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority, and women's businesses;

(IV) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority, and women's businesses; and

(V) Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the United States Department of Commerce as appropriate;]

10. Debarment/suspension[. The recipient agrees to deny participation in services, supplies, or equipment to be procured for this project to any debarred or suspended firms or affiliates in accordance with Executive Order 12549. The recipient acknowledges that doing business with any party listed on the List of Debarred, Suspended, or Voluntarily Excluded Persons may result in disallowance of project costs under the assistance agreement] requirements in accordance with 2 CFR part 180 subpart C;

11. Right of entry to the project site shall be provided for representatives of the department, [Environmental Improvement and Energy Resources Authority (EIERA)], the Missouri State Auditor, and U.S. Environmental Protection Agency so they may have access to the work wherever it is in preparation or progress;

12. The [specifications must include the] following statement: "The owner shall make payment to the contractor in accordance with section 34.057, RSMo";

13. Contractors [for ARRA-funded projects] must comply

with the Davis-Bacon [Act (40 U.S.C. 276a–276a-7)] **requirements in accordance with 29 CFR 5.5**. The current Davis-Bacon wage rate from the United States Department of Labor must be incorporated in the bid documents; and

14. *Buy American provision. For ARRA-funded projects, the specifications must include the following statement or a similar statement in accordance with federal guidance: "All iron, steel, and manufactured goods used in this project must be produced in the United States unless a) a waiver is provided to the owner by the Environmental Protection Agency or b) compliance would be inconsistent with United States obligations under international agreements."* **American Iron and Steel. Specifications shall adhere to requirements to utilize American Iron and Steel for projects involving the construction, alteration, maintenance, or repair of a public water system, when applicable. The department will publish the American Iron and Steel requirements in the annual intended use plan.**

**[(N)/(J)] Construction Equipment and Supplies Procurement.** This section describes the minimum procurement requirements which the recipient must use under the *[loan]* **DWSRF** program.

1. Small purchases. A small purchase is the procurement of materials, supplies, and services when the aggregate amount involved in any one (1) transaction does not exceed one hundred **fifty** thousand dollars *[( \$ 100,000 )]* **(\$150,000)**. The small purchase limitation of one hundred **fifty** thousand dollars *[( \$ 100,000 )]* **(\$150,000)** applies to the aggregate total of an order, including all estimated handling and freight charges, overhead, and profit to be paid under the order. In arriving at the aggregate amount involved in any one (1) transaction, all items which should properly be grouped together must be included. Department *[approval]* **concurrence** and a minimum of three (3) quotes must be obtained prior to purchase.

2. Bidding requirements. This paragraph applies to procurement of construction equipment, supplies, and construction services in excess of one hundred **fifty** thousand dollars *[( \$ 100,000 )]* **(\$150,000)** awarded by the recipient for any project. No contract shall be awarded until the department has approved the formal advertising and bidding.

#### A. Formal advertising.

(I) Adequate public notice. The recipient will cause adequate notice to be given of the solicitation by publication in newspapers of general circulation beyond the recipient's locality (preferable statewide), construction trade journals, or plan rooms, inviting bids on the project work and stating the method by which bidding documents may be obtained or examined.

(II) Adequate time for preparing bids. A minimum of thirty (30) days shall be allowed between the date when public notice, publication, insertion, or document availability in a plan room is first published and the date by which bids must be submitted. *[ARRA-funded projects must allow a minimum of twenty-one (21) days between the date when public notice, publication, insertion, or document availability in a plan room is first published and the date by which bids must be submitted.]* Bidding documents shall be available to prospective bidders from the date when the notice is first published or provided. Recipients are encouraged to directly solicit bids from prospective bidders.

#### B. Bid document requirements and procedure.

(I) The recipient shall prepare a reasonable number of bidding documents (Invitations for Bids) and shall furnish them upon request on a first-come, first-served basis. The recipient shall maintain a complete set of bidding documents and shall make them available for inspection and copying by any party. The bidding documents shall include, at a minimum:

(a) A completed statement of the work to be performed or equipment to be supplied and the required completion schedule;

(b) The terms and conditions of the contract to be awarded;

(c) A clear explanation of the method of bidding and the

method of evaluation of bid prices and the basis and method for award of the contract or rejection of all bids;

(d) Responsibility requirements and criteria which will be employed in evaluating bidders;

(e) The recipient shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening;

(f) If a recipient desires to amend any part of the bidding documents during the period when bids are being prepared, addenda shall be communicated in writing to all firms which have obtained bidding documents in time to be considered before the bid opening time. All addenda must be approved by the department prior to award of the contract;

(g) A firm which has submitted a bid shall be allowed to modify or withdraw its bid before the time of bid opening;

(h) The recipient shall provide for a public opening of bids at the place, date, and time announced in the bidding documents. Bids received after the announced opening time shall be returned unopened;

(i) Award shall be to the lowest, responsive, responsible bidder. After bids are opened, the recipient shall evaluate them in accordance with the methods and criteria set forth in the bidding documents. The recipient shall award contracts only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed contract. A responsible contractor is one that has financial resources, technical qualifications, experience, organization, and facilities adequate to carry out the contract or a demonstrated ability to obtain these. The recipient may reserve the right to reject all bids. Unless all bids are rejected for good cause, award shall be made to the lowest responsive, responsible bidder. The recipient shall have established protest provisions in the specifications. These provisions shall not include the department as a participant in the protest procedures. If the recipient intends to make the award to a firm which did not submit the lowest bid, the recipient shall prepare a written statement before any award, explaining why each lower bidder was deemed nonresponsive or nonresponsive and shall retain the statements in its files. The recipient shall not reject a bid as nonresponsive for failure to list or otherwise indicate the selection of subcontractor(s) or equipment unless the recipient has clearly stated in the solicitation documents that the failure to list shall render a bid nonresponsive and shall cause rejection of a bid;

(j) The recipient is encouraged though not required to use the model specification clauses developed by the department; and

(k) Departmental concurrence with contract award must be obtained prior to actual contract award. Recipients shall notify the department in writing of each proposed construction contract which has an aggregate value over one hundred **fifty** thousand dollars *[( \$ 100,000 )]* **(\$150,000)**. The recipient shall notify the department within ten (10) calendar days after the bid opening for each construction subagreement. The notice shall include:

I. Proof of advertising;

II. Tabulation of bids;

III. The bid proposal from the bidder that the recipient wishes to accept, including justification if the recommended successful bidder is not also the lowest bidder;

IV. Recommendation of award;

V. Any addenda not submitted previously and bidder acknowledgment of all addenda;

VI. Copy of the bid bond;

VII. One (1) set of as-bid specifications;

VIII. Suspension/Debarment Certification;

IX. Revised financial capability worksheet and certification if bids exceed prebid estimates by more than fifteen percent (15%);

X. MBE/WBE Worksheet;

XI. Recipient's statement that proposed contractor(s) positive efforts, MBE/WBE utilization, or both, have been reviewed and meet regulatory requirements;

XII. Site certification, if not previously submitted;  
and

XIII. *[For equivalency projects,]* Certification of Nonsegregated Facilities.

*[(O)](K)* Conflict of Interest.

1. No employee, officer, or agent of the recipient shall participate in the selection, award, or administration of a subagreement supported by state or federal funds if a conflict of interest, real or apparent, would be involved. This conflict would arise when—

A. Any employee, officer, or agent of the recipient, any member of their immediate families, or their partners have a financial or other interest in the firm selected for a contract; or

B. An organization which may receive or has been awarded a subagreement employs, or is about to employ, any person listed in subparagraph (2)*[(O)](K)*1.A. of this rule.

2. The recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of substantial monetary value from contractors, potential contractors, or other parties to subagreements.

*[(P)](L)* Changes in Contract Price or Time. The contract price or time may be changed only by a change order. The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by the methods set forth in the following:

1. Unit prices.

A. Unit prices previously approved are acceptable for pricing changes of original bid items. However, when changes in quantities exceed fifteen percent (15%) of the original bid quantity and the total dollar change of that bid item is greater than twenty-five thousand dollars (\$25,000), the recipient shall review the unit price to determine if a new unit price should be negotiated.

B. Unit prices of new items shall be negotiated;

2. A lump sum to be negotiated; and

3. Cost reimbursement. The actual cost for labor, direct overhead, materials, supplies, equipment, and other services necessary to complete the work plus an amount to cover the cost of general overhead and profit.

*[(Q)](M)* Progress Payments to Contractors.

1. Recipients should make prompt progress payments to prime contractors and prime contractors should make prompt progress payments to subcontractors and suppliers for eligible construction, supplies, and equipment costs **in accordance with section 34.057, RSMo.**

*[A. For purposes of this section, progress payments are defined as follows:*

*(I) Payments for work in place; and*

*(II) Payments for materials or equipment which have been delivered to the construction site or which are stockpiled in the vicinity of the construction site in accordance with the terms of the contract, when conditional or final acceptance is made by or for the recipient. The recipient shall assure that items for which progress payments have been made are adequately insured and are protected through appropriate security measures.*

*2. Appropriate provisions regarding progress payments must be included in each contract and subcontract.]*

*[3.2. Retention from progress payments. [The recipient may retain a portion of the amount otherwise due the contractor.] The amount the recipient retains [shall] should be in accordance with section 34.057, RSMo.*

*[(R)]Classification of Costs. The information in this section represents policies and procedures for determining the eligibility of project costs for assistance under programs supported by the loan program.*

*1. All project costs will be eligible if they meet the following tests:*

*A. Reasonable and cost effective;*

*B. Necessary for the approved project including*

*required mitigation; and*

*C. Meet the eligibility requirements of the federal Safe Drinking Water Act.*

*2. Eligible costs include, at a minimum:*

*A. Engineering services and other services incurred in planning and in preparing the design drawings and specifications for the project. These services and their related expenses can be reimbursed based on actual invoices to be submitted after loan closing or by means of an allowance. For invoice reimbursement, the department must have a copy of the executed engineering contract for planning and design of the project;*

*B. The reasonable cost of engineering services incurred during the building and initial operation phase of the project to ensure that it is built in conformance with the design drawings and specifications. A registered professional engineer licensed in Missouri or a person under the direction and continuing supervision of a registered professional engineer licensed in Missouri must provide inspection of construction for the purpose of ensuring and certifying compliance with the approved plans and specifications. Eligible construction phase and initial operation phase service are limited to:*

*(I) Office engineering;*

*(II) Construction surveillance;*

*(III) Stakeout surveying;*

*(IV) As-built drawings;*

*(V) Special soils/materials testing;*

*(VI) Operation and maintenance manual;*

*(VII) Follow-up services and the cost of start-up training for operators of mechanical facilities constructed by the project to the extent that these costs are incurred prior to this department's final inspection. Costs shall be limited to on-site operator training tailored to the facilities constructed or on- or off-site training may be provided by the equipment manufacturer if this training is properly procured;*

*(VIII) User charge ordinance; and*

*(IX) Plan of operation;*

*C. Abandoning costs. The reasonable and necessary cost of abandoning drinking water facilities no longer in use. Generally, these costs will be limited to the demolition and disposal of the structures, and abandoning unused wells in accordance with 10 CSR 23-3.110, and final grading and seeding of the site;*

*D. Change orders and the costs of meritorious contractor claims for increased costs under subagreements as follows:*

*(I) Within the allowable scope of the project;*

*(II) Costs of equitable adjustments due to differing site conditions; and*

*(III) Settlements, arbitration awards, and court judgments which resolve contractor claims shall be allowable only to the extent that they are not due to the mismanagement of the recipient;*

*E. Costs necessary to mitigate only direct, adverse, physical impacts resulting from building of the treatment works;*

*F. The costs of site screening necessary to comply with environmental studies and facilities plans or necessary to screen adjacent properties;*

*G. Equipment, materials, and supplies.*

*(I) The cost of a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations and laboratory items necessary to conduct tests required for plant operation.*

*(II) Cost of shop equipment installed at the public water system necessary to the operation of the works.*

*(III) The costs of necessary safety equipment, provided the equipment meets applicable federal, state, local, or*

industry safety requirements.

(IV) *The costs of mobile equipment necessary for the operation of the overall public water system, or for the maintenance of equipment. These items include: portable standby generators; large portable emergency pumps; trailers and other vehicles having as their purpose the transportation or application, or both, of liquid or dewatered water treatment plant residuals; and replacement parts identified and approved in advance;*

*H. Costs of royalties for the use of or rights in a patented process or product with the prior approval of the department;*

*I. Land or easements when the acquisition of real property or interests therein is integral to a project authorized by section 1452(a)(2) of the federal Safe Drinking Water Act and the purchase is from a willing seller. Land must be purchased in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended, and certification by the recipient of compliance with the Uniform Relocation and Real Property Acquisition Policies Act is required;*

*J. Force account work for construction oversight and engineering planning and design. If force account is used for planning and design, all engineering services during construction must be provided through force account;*

*K. The cost of preparing an environmental impact statement if required under 10 CSR 60-13.030;*

*L. Costs of issuance, capitalized interest, EIERA application fees, and contracted project administration costs; and*

*M. Debt service reserve deposits.*

*3. Noneligible costs include, but are not limited to:*

*A. The cost of ordinary site and building maintenance equipment such as lawnmowers and snowblowers;*

*B. The cost of general purpose vehicles for the transportation of the recipient's employees;*

*C. Costs allowable in subparagraph (2)(R)2.I. of this rule that are in excess of just compensation based on the appraised value;*

*D. Ordinary operating expenses of the recipient including salaries and expenses of elected and appointed officials and preparation of routine financial reports and studies, and any permit fees necessary for the normal operation of the constructed facility;*

*E. Preparation of applications and permits required by federal, state, or local regulations or procedures;*

*F. Administrative, engineering, and legal activities associated with the establishment of special departments, agencies, commissions, regions, districts, or other units of government;*

*G. Personal injury compensation or damages arising out of the project;*

*H. Fines and penalties due to violations of, or failure to comply with, federal, state, or local laws, regulations, or procedures;*

*I. Costs outside the scope of the approved project;*

*J. Costs for which grant or loan payment have been or will be received from another state or federal agency;*

*K. Force account work except that listed in subparagraph (2)(R)2.J. of this rule; and*

*L. Costs associated with acquisition of easements and land except that listed in subparagraph (2)(R)2.I.]*

**(N) Procurement of Design-build Services.** The procurement of design-build services shall be in accordance with section 67.5060, RSMo. Recipients that are exempt from section 67.5060, RSMo. may also utilize design-build services if local ordinances or policies allow design-build and the procurement of the design-build team considers both the qualifications of the team. Recipients seeking funds for a project utilizing design-build services must

notify the department with the recipient's application. Recipients that utilize design-build services shall coordinate procurement activities with the department to ensure compliance. The department may restrict the amount of funding available for projects using design-build services, if needed to comply with federal law and regulations.

*[(3) Project By-Pass, Project Removal and Modification of Funding.*

*This section applies to loan applicants on the fundable priority list. In order to assure best use of the loan funds in a reasonably expeditious manner, projects may be by-passed or removed from the fundable priority list or loan amounts may be modified. The department will confer and negotiate with affected applicants prior to making or recommending decisions on project by-pass, project removal or modification of loan amounts.*

*(A) Project By-Pass.*

*1. Eligibility for by-pass. The Safe Drinking Water Commission (the commission) may by-pass any project on the fundable priority list which is not, in the opinion of the commission, making satisfactory progress toward satisfying requirements for drinking water revolving fund (DWRf) assistance.*

*2. By-pass criteria. In determining if a project should be by-passed the commission shall use the criteria listed in this subsection.*

*A. Any project on the fundable priority list may be by-passed if the applicant fails to submit the documents required for DWRf assistance at least sixty (60) days prior to the beginning of the quarter for which the assistance is anticipated.*

*B. The commission may use individual schedules developed by the department to determine whether a DWRf project is making satisfactory progress during the fiscal year. A project may be by-passed for failure to meet the schedule.*

*3. By-pass procedures.*

*A. By-passed projects will be re-moved from the fundable priority list and, if the application is still valid, will be placed on a project list, in priority order, for funding consideration in the next federal fiscal year.*

*B. Funds recovered through project by-pass will be considered uncommitted and available for distribution to the next priority project in accordance with the requirements of section 640.107, RSMo.*

*(B) Project Removal. Projects may be removed from the fundable priority list at the request of the applicant, upon a finding by the department that the project is ineligible for DWRf assistance, or upon a finding that the applicant's credit is not adequate for participation in the DWRf loan program.*

*(C) Modification of Funding.*

*1. In order to maximize use of the aggregate funds available to the state for drinking water infrastructure improvements, the commission may remove projects or modify funding amounts upon a finding by the department that the applicant is eligible for funding from other government programs (such as USDA Rural Development, the Department of Economic Development's Community Development Block Grant program, or the Environmental Improvement and Energy Resources Authority). The department will coordinate with the other funding agencies to arrive at equitable and workable funding options for the applicant.*

*2. The department reserves the right to limit the maximum loan amount awarded. If utilized, the amount of the maximum loan limit will be addressed in the annual intended use plan and will be open for public comment.*

*(4) Leveraged Loans.*

*(A) This section describes the leveraged loan process and contains additional requirements for recipients of a leveraged loan under the Drinking Water Revolving Fund established in section 640.107, RSMo as a subfund of the Water and Wastewater Loan Fund. All other requirements also apply, including administrative fees in subsection (2)(B) of this rule, except for section (5) which applies specifically to DWRF direct loans.*

*(B) General Description.*

*1. This rule sets out the general format for the leveraged loan program. The commission, the department and the Environmental Improvement and Energy Resources Authority (EI ERA) shall have the authority to make specific refinements, variations or additional requirements as may be necessary or desirable in connection with the efficient operation of the leveraged loan program.*

*2. The leveraged loan program is designed to maximize the funding available to make loans to recipients for the planning, design and construction of eligible projects. The EI ERA will participate in the leveraged loan program by issuing its bonds or notes in accordance with its governing statute. The determination as to whether a recipient shall receive a leveraged loan under this rule shall be made in accordance with 10 CSR 60-13 and shall be subject to the approval of the EI ERA.*

*3. Under the leveraged loan program, the recipient must obtain construction funds and any needed financing from EI ERA. The recipient will receive a loan from the Drinking Water Revolving Fund which will be placed in a debt service reserve fund to secure the construction loan. The interest earnings on the debt service reserve fund will provide a subsidy by paying a portion of the interest costs of the EI ERA bonds or notes used to provide the construction loan. The principal amount of the loan will be repaid to the DWRF.*

*(C) Target Interest Rate. The target interest rate (TIR) shall be established by the department in consultation with the EI ERA based upon current economic factors, projected fund utilization, deposits in the subfund, and actual or anticipated federal capitalization grants. The department will use the Twenty-Five Bond Revenue Index as published in The Bond Buyer (or any successor publication) as the basis for determining the TIR. The department reserves the right to refinance, assign, pledge, or leverage any loans originated under this subsection.*

*1. The TIR for all assistance provided under the leveraged loan program shall not be less than thirty percent (30%) of the weekly Twenty-Five Bond Revenue Index as published in The Bond Buyer (or any successor publication) the week preceding funding, rounded up to the nearest one one hundredth (0.01) of one percent (1%). The Safe Drinking Water Commission (SDWC) shall not undertake project-by-project revisions.*

*2. The TIR for all assistance provided under section (5), DWRF Direct Loans, shall not be less than thirty percent (30%) of the weekly Twenty-Five Bond Revenue Index as published in The Bond Buyer (or any successor publication) the week preceding funding, rounded up to the nearest one one hundredth (0.01) of one percent (1%). The commission may reduce the interest rate to meet the needs of the applicant. In order to reduce the interest rate, the commission must determine that unique or unusual circumstances exist. In addition, the commission may reduce the interest rate for projects impacting enterprise zones as authorized under state law.*

*3. A disadvantaged community may receive a further reduction in the TIR as determined by the SDWC. A disadvantaged community is defined, for the purpose of reducing*

*the TIR, as an applicant that:*

*A. Has a population of three thousand three hundred (3,300) or less based on the most recent decennial census;*

*B. Has a median household income at or below seventy-five percent (75%) of the state average median household income as determined by the most recent decennial census; and*

*C. Has an average water user charge for five thousand (5,000) gallons that is at least two percent (2%) of the median household income of the applicant.*

*4. For projects funded by the ARRA, the Safe Drinking Water Act as amended, or any subsequent federal act, additional subsidization (such as principal forgiveness, negative interest loans, grants, or the like) may be provided as federal law requires or allows.*

*(D) Additional Application Requirements.*

*1. Financial disclosure. Loan applicants shall provide upon request any detailed financial information as may be required to determine the applicant's eligibility for the leveraged loan program.*

*2. Other financing. In addition to the application requirements in this rule, leveraged loan recipients must provide a description of the proposed method of obtaining any necessary financing for costs not being financed by the DWRF loan program, including information regarding the applicant's progress toward obtaining the funds and assistance.*

*(E) DWRF Leveraged Loan Structure.*

*1. As each leveraged loan is made, the loan from the DWRF will be used to fund a debt service reserve. The loan from the DWRF will be paid in one (1) or more installments by deposit to the debt service reserve fund on behalf of the recipient. Interest earnings on the debt service reserve fund will pay a portion of the interest costs of the EI ERA bonds or notes used to provide the construction loan. DWRF loans deposited to the debt service reserve fund shall bear an interest rate of zero percent (0%).*

*2. Recipients will be charged a fee on the loan in accordance with section 644.106, RSMo and a subsidized interest rate.*

*3. Loans shall be sized to provide an estimated subsidy adequate to reduce the net interest cost of the EI ERA loan to the target interest rate (TIR).*

*(F) Construction Loan Fund. Net proceeds from the sale of any project bonds or notes issued by the EI ERA for eligible project costs shall be used to fund construction of the project. These proceeds shall be deposited with a construction loan trustee and disbursed as construction progresses pursuant to subsection (4)(I) of this rule.*

*(G) Alternative Leveraged Loan Structure. If financial market conditions dictate, an alternative leveraging structure may be implemented. Alternative leveraging structures will be developed by the department in consultation with the commission and the EI ERA. The alternative structure, so developed, will be included in the annual intended use plan.*

*(H) Loan Agreements. In addition to the other requirements of this rule, the department and the EI ERA may require the recipient to include assurances and certifications in the loan agreements and bond resolutions deemed necessary to protect the interest of the state and the EI ERA and to comply with federal requirements.*

*(I) Disbursement from Loan Proceeds. The recipient shall request payments from the construction loan fund, which shall include the information listed in this subsection (4)(I) and other information deemed necessary and approved by the EI ERA to ensure proper project management and expenditure of public funds.*

*1. Completed reimbursement request form.*

*2. Construction pay estimates signed by the construction contractor, the recipient, and the resident inspector, if*

applicable.

3. Invoices for other eligible services, equipment, and supplies for the project.

4. Any other documentation required under the provisions of the trust indenture.

(J) *Amortization Schedules.* The EIERA shall establish amortization schedules for long-term loans awarded under this rule. Repayment of principal shall begin not later than one (1) year after initiation of operation. The loans shall be fully repaid in no more than twenty (20) years after initiation of operation.

(K) *Loan Repayment.*

1. Repayment of principal and penalties to the DWRF loan program will be made by the release of money from the debt service reserve fund. If funds for these payments are not available in the debt service reserve, then the payment shall be made from other funds of the recipient.

2. Repayment of principal and interest on the EIERA bonds or notes will be paid from revenues of the user charge system or from another dedicated source of revenue as may be designated in the applicable bond resolutions or loan agreement.]

[(5)](3) DWSRF Direct Loans.

(A) General.

1. This section describes the process and requirements for direct loans awarded under this rule. All other requirements also apply, including administrative fees in subsection (2)/(B)/(A) of this rule[, except for subsection (2)(A) and section (4) of this rule which pertain to leveraged loans].

2. This rule sets out the general format for the direct loan program. The commission, [and] the department, and EIERA shall have the authority to make specific refinements, variations, or additional requirements as may be necessary or desirable in connection with the efficient operation of the direct loan program.

3. The department may make direct loans by purchasing the general obligation bonds, revenue bonds, short-term notes, or other acceptable obligation of any qualified [applicant] recipient for the planning, design, and/or construction of an eligible project. These loans shall not exceed the total eligible project costs described in subsection [(2)(R)] (1)(B) of this rule less any amounts finalized by any means other than through the direct loan program. [The department is not required to offer direct loans to Drinking Water Revolving Fund Loan Program applicants.]

[(B) Letter of Intent. The department will issue a letter of intent to make a direct loan when the application documents are approved and the commission approves the project for receipt of loan funds. The letter of intent shall state the amount of funds reserved for the project, the requirements to qualify for receipt of loan funds, and the schedule for the applicant to meet all requirements. The department may terminate this letter of intent for failure to meet the schedule requirements or conditions of the letter of intent. The amount of assistance stated in the letter of intent may be adjusted to reflect actual costs and the availability of funds.]

[(C)](B) [Construction Loans. The department may award construction loans to qualified applicants in order to provide interim financing during construction of their project. Construction loans may contain clauses and provisions determined by the department to be necessary to protect the interests of the state.] **Reimbursement Terms.**

1. With exception of substate revolving funds, the construction loan will remain in force throughout the construction period. However, it must be paid in full no later than the closing deadline provided in the construction loan agreement.

2. If the department is to provide long-term financing under this rule, then the construction loan must contain an

agreement by the department and the recipient that the department will purchase the recipient's general obligation bonds, revenue bonds, or other acceptable debt obligation after construction is completed. If a construction loan is awarded, the permanent financing amount will be limited in amount to the sum of the payments drawn from the construction loan for eligible project costs plus interest accrued on the construction loan plus the reasonable costs of issuance which can be financed under Missouri statutes.]

[3.1]. [Unless specifically addressed in the loan documents, the recipient may request construction loan payments no more often than monthly.] The maximum [construction advance shall] **reimbursement will be no more than** the sum of all eligible costs incurred to date. Each payment request shall include the following information:

A. Completed reimbursement request form;

B. Construction pay estimates signed by the construction contractor, the recipient, and the [resident inspector] **consulting engineer**, if applicable;

C. Invoices for other eligible services, equipment, and supplies for the project; and

D. Any other information deemed necessary by the department to ensure proper project management and expenditure of public funds.

[4.2]. If the department is satisfied that the payment request accurately reflects the eligible cost incurred to date on the project, the department will request that [a] state payment [check] be issued to the recipient.

[(D)](C) **Trustee or Paying Agent.** The department may require the recipient to contract with a trustee or paying agent to provide [all or part of] the [following] services below, along with other such services as detailed in the recipient's escrow agreement:

1. [Make joint assistance payments to the recipients and their contractors] **Maintain separate trust funds and accounts for recipients;**

2. [Ensure that payments are only released to those recipient's whose contractors have a project contract approved by the department] **Disburse funds to recipients;**

3. [Ensure that none of the recipient's contractors receive more in assistance payments than approved by the department] **Collect principal and interest quarterly payments from recipients;** and

4. [Maintain financial records of credits and debits for the construction project] **Provide monthly financial reports to recipients.**

[(E) Purchase of Obligations. The department shall purchase revenue bonds, general obligation bonds, or other acceptable debt obligations from the recipient no later than the closing deadline contained in the construction loan agreement. In addition to the requirements of this rule, the department may require the recipient to include those assurances and clauses in the loan agreements and bond resolutions as deemed necessary to protect the interest of the state.]

[(F)](D) **Amortization Schedules.** The [department shall use the] following guidelines **are to be used** to establish amortization schedules [for obligations purchased] under this rule:

1. The bonds, notes, or other debt obligations shall be fully amortized [in no more than twenty (20) years after initiation of operation] **as outlined in 40 CFR 35.3525;**

2. [The] **Principal** payment frequency [on any debt obligations] shall be no less than annual [with the first payment no later than one (1) year after the initiation of operation] **and interest payments at least semi-annual;**

3. The amortization schedule may either be straight line or declining schedules for the term of the debt obligation. **The department may approve an alternative amortization method if deemed appropriate;** and



4. Repayment of principal shall begin not later than one (1) year after initiation of operation.

(E) **Target Interest Rate (TIR).** The TIR shall be established by the commission in consultation with the department and the EIARA based upon current economic factors, projected fund utilization, deposits in the fund, and actual or anticipated federal capitalization grants and published in the annual intended use plan. The department reserves the right to refinance, assign, pledge, or leverage any loans originated under this rule.

[(G)](F) If at any time during the loan period the facility(ies) financed under this rule is sold, either outright or on contract for deed, the loan becomes due and payable upon transfer unless otherwise approved by the department.

(G) If at any time the public water system or any part thereof, funded with a DWSRF grant is sold, either outright or on contract for deed, to other than a political subdivision of the state, the department shall receive reimbursement of the grant funds. The total amount of grant funds to be reimbursed shall be based on a straight-line depreciation based on the original costs of the facilities being sold, loan repayment period, and adjusted for the percentage of grant funds originally disbursed to fund such facilities. Grant funds to be reimbursed shall become due and payable upon transfer of ownership.

[(6)](4) *[Additional Subsidization Recipients of financial assistance provided from the ARRA shall meet the applicable federal law, regulation, and guidance applicable to those funds. Additional subsidization may be in the form of forgiveness of principal, negative interest loans, or grants, or any combination of these. The TIR for ARRA-funded projects will initially be calculated as directed in subsection (4)(C) above.]* Additional subsidization (such as principal forgiveness, negative interest loans, grants, or the like) may be provided as federal law requires or allows.

(5) **Disadvantaged Communities.** A disadvantaged community is defined as a recipient that—

(A) Serves a population of three thousand three hundred (3,300) or less;

(B) Has a median household income at or below seventy-five percent (75%) of the state average median household income as determined by the most recent decennial census or by an income survey overseen by a state or federal agency; and

(C) Has an average water user charge for five thousand (5,000) gallons that is at least two percent (2%) of the median household income of the recipient, determined by the decennial census or income survey listed in (5)(B).

*AUTHORITY: sections 640.100[<sup>1</sup>, RSMo Supp. 2008] and [section] 640.107, [HB 661, Ninety-fifth General Assembly 2009] RSMo 2016. Emergency rule filed July 15, 1998, effective July 25, 1998, expired Feb. 25, 1999. Original rule filed Aug. 17, 1998, effective April 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to fac@dnr.mo.gov. To be considered, comments must be*

*received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10 a.m. on August 16, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Springs/Roaring River Conference Rooms, 1730 East Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 13—Grants and Loans**

**PROPOSED AMENDMENT**

**10 CSR 60-13.025 State Loan Program.** The department is amending subsections (1)(A), (C), and (D); deleting subsection (1)(E); amending section (2); incorporating 40 CFR 35.3520 by reference into section (2); deleting subsections (2)(A) and (B); amending subsections (3)(A), (B), and (D); deleting subsection (3)(C); renumbering subsection (3)(D); amending section (4) and subsection (4)(A); deleting subsections (4)(B) through (D); amending section (5), subsections (5)(A), and (5)(B); amending subsection (6)(A); incorporating 10 CSR 60-13.020(3)(E) by reference into subsection (6)(A); deleting subsection (6)(B); amending sections (7) and subsections (7)(A) through (C); deleting subsection (7)(E); amending subsections (8)(A), (D) through (L), (O), and (Q); incorporating 10 CSR 60-3.010 and 10 CSR 60-10.010 by reference into subsection (8)(A); incorporating Chapter 109, RSMo. by reference into subsection (8)(G); incorporating sections 8.285 through 8.291, RSMo. by reference into subsection (8)(I); incorporating sections 290.210-290.340 RSMo. and 8 CSR 30 Chapter 3 by reference into paragraph (8)(J)8.; incorporating section 67.5060, RSMo. by reference into subsection (8)(L); incorporating section 34.057, RSMo by reference into paragraph (8)(O)1.; deleting subsections (8)(B), (C), and (P), including Table I, Table 2, and the table notes; renumbering subsections (8)(D) through (O), and (Q); amending section (9), subsections (9)(D) and (9)(E); deleting subsections (9)(A) through (C), and (F); renumbering subsections (9)(D) and (E); and deleting section (10).

*PURPOSE: The amendment removes language that is no longer applicable, clarifies current rule language, updates language to reflect new state and federal requirements, and removes duplicative and unnecessary regulatory requirements.*

**(1) General Requirements.**

(A) The department may make direct loans to public water systems by purchasing the general obligation bonds, revenue bonds, short-term notes, or other acceptable obligation of any qualified *[applicant]* recipient for the planning, design or construction, or any combination of these, of an eligible project.

(C) If at any time during the term of the loan *[period the facility(ies)]* a recipient desires to sell, lease, mortgage or otherwise dispose of the infrastructure financed under this rule *[is sold, either outright or on contract for deed]*, the loan becomes due and payable upon transfer unless otherwise approved by the department.

(D) This rule sets out the general format for loans from state funds. The *[commission and the]* department shall have the authority to make specific refinements, variations, or additional requirements as may be necessary or desirable in connection with the efficient operation of the loan process.

[(E)] If at any time during the loan period the facility financed under this rule is sold, either outright or on contract for deed, the loan becomes due and payable upon transfer unless otherwise approved by the department.]

**(2) [Eligibility] Eligible Projects and Project-Related Costs.**

(A) *[Eligible Systems. Public water supply districts and rural community water systems located in Missouri are eligible to apply. Eligibility to apply does not guarantee assistance*

or eligibility for assistance.] This subsection incorporates the requirements in 40 CFR 35.3520 as set forth in 40 CFR part 35 subpart L, published July 1, 2017. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the U.S. Government Printing Office at 732 North Capital Street NW, Washington D.C., 20401, toll free at (866)512-1800 or by visiting <https://bookstore.gpo.gov>. In addition to eligible project costs set forth in 40 CFR 35.3520, costs of issuance and debt service reserve deposits are eligible project costs.

*[(B) Eligible Projects.]*

1. Assistance may be provided for expenditures (not including monitoring, operation, and maintenance expenditures) of a type or category which will facilitate compliance with national primary drinking water regulations applicable to the system or otherwise significantly further the health protection objectives of the federal Safe Drinking Water Act (SDWA).

2. Projects to address federal SDWA health standards identified in the intended use plan or in the loan priority point criteria that have been exceeded and projects to prevent future violations of the rules are eligible for funding. These include projects to maintain compliance with existing regulations for contaminants with acute health effects (such as the Surface Water Treatment Rule, the Total Coliform Rule, and nitrate standard) and regulations for contaminants with chronic health effects (such as Lead and Copper Rule, Phases I, II, and V Rules, and safety standards for total trihalomethanes, arsenic, barium, cadmium, chromium, fluoride, mercury, selenium, combined radium-226, -228, and gross alpha particle activity).

3. Projects to address imminent federal SDWA health standards (identified in the annual intended use plan) that have been exceeded or to prevent future violations of the anticipated rules are eligible for funding.

4. Projects to replace aging infrastructure are eligible if they are needed to maintain compliance or further the public health protection objectives of the federal SDWA. Examples of these include projects to:

A. Rehabilitate or develop sources to replace contaminated sources or sources of inadequate capacity;

B. Install or upgrade treatment facilities if, in the department's opinion, the project would improve the quality of drinking water to comply with primary or secondary standards;

C. Install or upgrade storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering the water system or improve water pressure to safe levels; and

D. Install or replace transmission and distribution pipes to prevent contamination caused by leaks or breaks in the pipe, or improve water pressure to safe levels.

5. Projects to consolidate water supplies (for example, when individual homes or other public water supplies have a water supply that is contaminated, or the system is unable to maintain compliance for financial or managerial reasons) are eligible for loan assistance.

6. The purchase of a portion of another system's capacity is eligible for a loan if it is the most cost-effective solution.]

*(3) Application Procedures.*

(A) [Applicants] Recipients must [have previously submitted] submit a preliminary project proposal [on forms provided by the department by the deadline established by the department and have received an invitation from the department to apply for financial assistance].

(B) [Applications must be postmarked or received by the

Public Drinking Water Program by the calendar date established in the annual application package as the application deadline. The department may extend this deadline if insufficient applications are received to use all of the funds expected to be available. Applicants] Applications are accepted year-round. Recipients shall provide:

1. A completed application form provided by the department;

2. Documentation that they have a chief operator certified at the appropriate level, or expect to have prior to loan award;

3. Documentation that they have an emergency operating plan, or expect to have prior to loan award; and

[4. Any additional information requested by the department for priority point award or project evaluation;]

[5.]4. Any additional information request by the department to determine the [applicant's] recipient's compliance history and technical, managerial, and financial capacity[; and].

[6. Any additional information for determination of financial capability of the applicant. This may include but is not limited to: changes in economic growth, changes in population growth, depreciation, existing debt, revenues, project costs, and effects of the project on user charge rates.

(C) Unsuccessful applicants requesting funds during a given fiscal year who have completed the requirements in subsection (3)(B) of this rule shall be considered for funding the next fiscal year and need not reapply.]

[(D)](C) By submission of its application, the [applicant] recipient certifies and warrants that the [applicant] recipient has not, nor will through the loan amortization period, violate any of its bond covenants.

*(4) Evaluation [and Priority Point Award].*

(A) [Projects will be assigned priority points in accordance with the Drinking Water Revolving Fund (DWRF) loan priority point criteria approved by the commission under 10 CSR 60-13.020(1)(E)1. Projects will be listed in priority order according to the number of priority points assigned to the project. Projects accumulating the same total number of priority points will be ranked using the tie-breaking criteria in the DWRF loan priority point criteria.] Funds are available on a first come, first serve basis. If available funds are not sufficient to finance all applications, the funds will be distributed based on immediacy of need. Preference is given to those recipients receiving funding through other funding programs administered by the Department of Natural Resources.

[(B) The department shall prepare and seek public comment on an annual intended use plan that includes the list of proposed projects. The commission may hold one or more public meetings or public hearings on the intended use plan for loans. Any applicant aggrieved by his/her standing may appeal to the commission during the public comment process.

(C) No direct loan assistance shall be provided to a public water system that does not have the technical, managerial, and financial (TMF) capacity to ensure compliance with the federal SDWA, unless the owner or operator of the system agrees to undertake feasible and appropriate changes to ensure that the system has TMF capacity.

(D) No direct loan assistance shall be provided to a public water system that is in significant noncompliance with any requirement of a national primary drinking water regulation or variance unless use of the assistance will ensure compliance.]

*(5) [Loan] Fees.*

(A) The department may charge annual loan fees not to exceed one-half percent [(1%)] (0.5%) of the outstanding loan balance of each loan[. These fees are intended to reimburse the department for the costs of loan origination, loan servicing and administration of the program], except as provided under subsection

**(5)(B).**

**(B)** *[In a/Additional [to this] administrative fees[,].* */a/Additional administrative fees may be assessed by the department at the time the administration fee is calculated for failure by a recipient to **pay debt service on a loan** or submit approved documents to the department (for example/s include but may not be limited to:), operation and maintenance manuals, *[plan of operation,]* enacted user charge and water-use ordinances, and executed contract documents, etc.) in accordance with the time frames provided under the agreement entered into by the recipient. The additional fee will be an additional one-tenth percent (0.1%) per month that the document remains delinquent. The additional fee **for delinquent documents** will be collected only during the year in which the document is not submitted.*

**(6) Interest Rates. The department will use the target interest rate (TIR) as outlined in 10 CSR 60-13.020(3)(E).**

*[(A) The interest rate charged by the department on direct loans will not be less than zero percent (0%) nor more than market rate as determined by the Twenty-Five Revenue Bond Index published by the Bond Buyers Index of Twenty Bonds rounded to the nearest one-tenth (0.1) of one percent (1%). The department will use the Twenty-Five Revenue Bond Index most recently published prior to the date on which the project assistance is provided for all loans except those secured by general obligation bonds. For these transactions, the rate published immediately preceding filing with the State Auditor's Office will be used.*

*(B) Interest on construction loans will begin accruing on the last day of the month in which a construction advance is made and will be compounded at the end of each month after that until such time as the construction loan along with all interest accrued is paid in full.]*

**(7) Amortization Schedules.** *[The department shall use t/The following guidelines **are to be used** to establish amortization schedules [for obligations purchased] under this rule:*

*(A) The bonds, notes, or other [debt] obligations shall be fully amortized [in no more] **for a period not longer** than twenty (20) years after initiation of operation;*

*(B) The **principal** payment frequency [on any debt obligations] shall be no less than **annual and interest payments at least semi-annual** [with the first payment no later than one (1) year after the initiation of operation];*

*(C) The amortization schedule may either be straightline or declining schedules for the term of the debt obligation. **The department may approve an alternative amortization method if deemed appropriate;** and*

*[(E) If the department is the bond owner, the participant's bonds may be called and reissued.]*

**(8) Requirements for Loan Recipients.**

*(A) **Engineering Report and Project Design. Engineering report and /D/design of eligible projects** for community water systems shall conform with [accepted engineering practices. A preliminary design submittal, including the design criteria and facilities layout sheet, may be required at approximately the twenty percent (20%) design stage] **10 CSR 60-3.010 and 10 CSR 60-10.010.***

*[(B) **Public Participation.** The public must be allowed an opportunity to exchange ideas with the applicant during project development. Public participation must be preceded by timely distribution of information and must occur sufficiently in advance of decision making to allow the recipient to assimilate public views into action.*

*1. A public meeting shall be conducted to discuss the alternative engineering solutions.*

*2. Prior to approval of the draft user charge ordinance,*

*a public meeting shall be conducted to address the proposed user charge rates. Public notice of the meeting should be published at least thirty (30) days prior to the meeting date in one (1) or more local newspaper, as needed to cover the project service area. The recipient shall prepare a transcript, recording or other complete record of the proceeding along with proof of publication and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review.*

*(C) **Binding Commitment.** In order for the department to offer to enter into a binding commitment, all documents and information required here must be submitted to the department at least sixty (60) days prior to the applicant's binding commitment deadline established by the department.*

*1. **Engineering report.***

*A. Engineering reports must be in accordance with accepted engineering practices and applicable rules. References such as the current Design Guide for Community Water Systems and Ten State Standards should be considered as design standards.*

*B. The most feasible, economic and environmentally sound alternatives for providing safe drinking water must be studied and evaluated.*

*C. An estimate of the average user charge including documentation of the basis of the estimate must be included.*

*D. An assessment of the environmental conditions and impact of the proposed project on the environment is required.*

*2. **Detailed project budget.***

*3. **Project schedule.***

*A. Construction start defined as date of issuance of notice to proceed.*

*B. Construction completion.*

*C. Initiation of operation.*

*D. Project completion.]*

*[(D)](B) **Loan Closing.** [After the department has entered into a binding commitment with the applicant and the requirements of subsections (8)(B) and (8)(C) have been met, the following additional requirements must be met before loan closing can occur.] All documents and information must be submitted to the department in sufficient time to allow adequate time for review and must be approved sixty (60) days prior to the loan closing date established by the department. The department may extend deadlines if justified.*

*1. Final document submittal. The following documents must be submitted to and approved by the department:*

*A. Resolution identifying the authorized representative by name. [Applicants] **Recipients** for assistance shall provide a resolution by the governing body designating a representative authorized to file the application for assistance, reimbursement requests, and act in behalf of the [applicant] **recipient** in all matters related to the project;*

*B. [Any and all changes to the proposed project schedule;] **Proposed project schedule.** The following represents the minimum requirements for the project schedule:*

*(I) Construction start defined as date of issuance of notice to proceed;*

*(II) Construction Completion;*

*(III) Initiation of operation; and*

*(IV) Project completion;*

*C. [Draft] Executed engineering contract as described in this rule and the appropriate procurement documentation as described in paragraph (8)(G)1.;*

*D. **Engineering report and /P/plans** and specifications certified by a registered professional engineer licensed in Missouri;*

*E. Certification of easements and real property acquisition.*

Recipients of assistance shall have obtained title or option to the property or easements for the project prior to loan closing;

F. Draft user charge and water use ordinances as described in this rule; and

G. Other information or documentation deemed necessary by the *[applicant/ recipient]* or the department to ensure the proper expenditure of loan funds.

2. Projects serving multiple water systems. Prior to closing, if the project serves two (2) or more public water systems, the *[applicant/ recipient]* shall submit executed agreements or contracts between the public water systems for the financing, construction and operation of the proposed facilities. *[At a minimum, the agreement or contract shall include:]*

*[A. The operation and maintenance responsibilities of each party upon which the costs are allocated;*

*B. The formula by which the costs are allocated; and*

*C. The manner in which the costs are allocated.]*

3. User charge (water rate) ordinance.

A. Loan recipients are required to maintain, for the useful life of the project, user charge ordinances approved by the department. User charge ordinances, at a minimum, shall be adopted prior to financing and implemented by the initiation of operation of the financed project. *[A copy of the enacted ordinances shall be submitted prior to initiation of operation.]*

B. The user charge system shall be designed to produce adequate revenues required for the operation and maintenance, including a reserve for equipment replacement. It shall be proportional and based upon actual use. A one hundred ten percent (110%) debt service reserve may be required. Each user charge system shall include an adequate financial management system that will accurately account for revenues generated by the system, debt service, and loan fee costs and expenditures for operation and maintenance, including replacement based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the costs of personnel, material, energy, and administration. The user charge system shall provide that the costs of operation and maintenance not directly attributable to users be distributed equally among the users. The system shall provide for an annual review of charges.

4. Additional requirements for privately-owned public water systems. Privately-owned public water systems must provide documentation from the Missouri Department of Economic Development showing an allocation under Missouri's private activity bond cap and must obtain any necessary approvals from the Public Service Commission.

*[(E)](C) Operation and Maintenance.*

*[1. Plan of operation.*

*A. If required by the department, the recipient of assistance for construction of public water systems must make provision satisfactory to the department for the development of a plan of operation designed to assure operational efficiency be achieved as quickly as possible. A plan of operation must be submitted by fifty percent (50%) construction completion and approved by ninety percent (90%) construction completion.*

*B. The recipient will ensure that the schedule of tasks as outlined in the approved plan of operation is implemented and completed in accordance with the schedules and prior to final inspection of the project. Plan of operations must be approved by the official project start-up date.]*

*[2.]1. Operation and maintenance manual. The recipient must make provision satisfactory to the department for assuring operational efficiency be achieved as quickly as possible and effective operation and maintenance of the constructed project throughout its design life. If required by the department, recipients [of assistance for construction of mechanical facilities must make provision satisfactory to the department to develop for approval] will develop an operation and maintenance manual in accordance with departmental guidelines. A draft operation and maintenance manual*

*must be [submitted by fifty percent (50%) construction completion. At ninety percent (90%) construction, the final operation and maintenance manual must be approved] reviewed by final approval.*

*[3.]2. Start-up training. At [fifty percent (50%)] construction completion, a start-up training proposal (if required) and proposed follow-up services contract must be submitted. [This contract must be approved by ninety percent (90%) construction completion.]*

*[4.]3. Personnel. The recipient must make provision satisfactory to the department for assuring that operator(s) and maintenance personnel are hired in accordance with an approved schedule.*

*[5.]4. System certification. If required by the department, [O]ne (1) year after initiation of operation of the constructed public water system, the recipient shall certify to the department whether or not the public water system meets the project performance standards. Any statement of noncompliance must be accompanied by a corrective action report containing an analysis of the cause of the project's inability to meet performance standards, actions necessary to bring it into compliance, and reasonably scheduled date for positive certification of the project. Timely corrective action shall be executed by the recipient.*

*[(F)](D) Accounting and Audits. [Applicants] Recipients are required to have a dedicated source for repayment of any loans and an adequate financial management system and audit procedure for the project which provides efficient and effective accountability and control of all property, funds, and assets related to the project. The [applicant's/ recipient's] financial system is subject to state or federal audits to assure fiscal integrity of public funds.*

*1. Each recipient is expected to have an adequate accounting system for the project which provides efficient and effective accountability and control of all property, funds, and assets.*

*[A.]2. The recipient is responsible for maintaining a financial management system which will adequately provide for an accurate, current, and complete disclosure of the financial results of each loan project. Accounting for project funds will be in accordance with generally accepted government accounting principles and practices, consistently applied, regardless of the source of funds.*

*[B.]3. An acceptable accounting system includes books and records showing all financial transactions related to the construction project. The system must document all receipt and disbursement transactions/. It also must/ and group them by type of account (for example, asset, revenue, expense, etc.) and by individual expense account (for example, personnel salaries and wages, subcontract costs, etc.). The recipient shall maintain books, records, documents and other evidence and accounting procedures and practices, sufficient to reflect properly the amount, receipt, and disposition by the recipient for all assistance received for the project and the total costs of the project of whatever nature incurred for the performance of the project for which the assistance was awarded. [Minimum standards for an adequate accounting system include—]*

*[(I)] The accounting system should be on a double entry basis with a general ledger in which all transactions are recorded in detail or in summary from subordinate accounts;*

*[(II)] Recording of transactions pertaining to the construction project should be all inclusive, timely, verifiable and supported by documentation;*

*[(III)] The system must disclose the receipt and use of all funds received in support of the project;*

*[(IV)] Responsibility for all project funds must be placed with a project manager;*

*[(V)] Responsibility for accounting and control must be segregated from project operations. The accounting system and related procedures should be documented for consistent application;*

*[(VI)] The accrual basis of accounting is strongly recommended for construction projects as it provides an effective measure of costs and expenditures;*

(VII) Inventories of property and equipment should be maintained in subordinate records controlled by the general ledger and should be verified by physical inventory at least biennially;

(VIII) The accounting system must identify all project costs and differentiate between eligible and ineligible costs;

(IX) Accounts should be set up in a way to identify each organizational unit, function or task providing services to the construction project;

(X) An important project management objective of the system is the derivation of information regarding actual versus budgeted costs by project task and performing organization; and

(XI) Financial reports should be prepared monthly to provide project managers with a timely, accurate status of the construction project and costs incurred.

2. Audits. The recipient must comply with the provisions of OMB Circular A-128 governing the audit of state and local government.]

[(G)](E) Record Retention Requirements.

[1. Construction-related activities. At a minimum, t/The recipient must retain all [financial, technical and administrative] records [related to the planning, design and construction of the project for a minimum period of seven (7) years following receipt of the final construction payment or the recipient's acceptance of construction, whichever is later. Records shall be available to state officials for audit purposes during normal business hours during that period.] according to the retention schedules established by Chapter 109, RSMo. A longer retention period may be required under the loan documentation.

[2. Post-construction financing activities. At a minimum, the recipient must retain all financial and administrative records related to post-construction project financing for a minimum period of seven (7) years following full repayment of assistance.]

[(H)](F) Minimum Requirements for Architectural or Engineering Contracts.

1. The [sub]agreement must[:]-

A. Be necessary for and directly related to the accomplishment of the eligible project;

B. Be a lump sum or cost plus fixed fee contract in the form of a bilaterally executed written agreement;

C. Be for monetary consideration;

D. Not be in the nature of a grant or gift;

E. State a time frame for performance;

F. State a cost which cannot be exceeded except by amendment; and

G. State provisions for payment.

2. The nature, scope and extent of work to be performed during construction should include, but not be limited to, the following:

[A. Preparing a plan of operation if required by the department that meets the requirements of this rule;]

[B./A. Preparing an operation and maintenance manual if required by the department that meets the requirements of this rule;

[C./B. Assisting the recipient in letting bids;

[D./C. Assisting the recipient in reviewing and analyzing construction bids and making recommendations for award;

[E./D. Inspecting during construction to ensure conformance with the construction contract documents unless waived by the department; and

[F./E. If required by the department, [A]assisting with facility operation for purposes of certifying that the facility is operating properly one (1) year after start-up.

3. The final approved executed engineering contract must be submitted prior to the first reimbursement request.

[(I)](G) Procurement of Engineering Services.

1. [Contracts for architectural, engineering and land sur-

veying services shall be negotiated on the basis of demonstrated competence, qualifications for the type of services required and at fair and reasonable prices. The procedures and procurement requirements in sections 8.285-8.291, RSMo apply unless the applicant elects to use the design/build option described in this rule.] Procurement of engineering services shall be in accordance with sections 8.285 through 8.291, RSMo or subsection (8)(J) of this rule.

[2. Use of the same architect or engineer during construction. If the recipient is satisfied with the qualifications and performance of the architect or engineer who provided any or all of the facilities planning or design services for the project and wishes to retain that firm or individual during construction of the project, the recipient may do so without further public notice and evaluation of qualifications, provided the recipient selected the firm using, at a minimum, the procedures in sections 8.285-8.291, RSMo.]

[(J)](H) Specifications. The construction specifications must contain the following:

1. Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description, in competitive procurement, shall not contain features which unduly restrict competition unless the features are necessary to test or demonstrate a specific thing or to provide for interchangeability of parts and equipment. The description shall include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use;

2. The recipient shall avoid the use of detailed product specifications if at all possible;

3. When in the judgment of the recipient it is impractical or uneconomical to make a clear and accurate description of the technical requirements, recipients may use a brand name or equal description as a means to define the performance or other salient requirements of a procurement. The recipient need not establish the existence of any source other than the named brand. Recipients must state clearly in the specification the salient requirements of the named brand which must be met by offerers;

4. Sole source restriction. A specification shall not require the use of structures, materials, equipment, or processes which are known to be available only from a sole source, unless the department determines that the recipient's engineer has adequately justified in writing to the department that the proposed use meets the particular project's minimum needs;

5. Experience clause restriction. The general use of experience clauses requiring equipment manufacturers to have a record of satisfactory operation for a specified period of time or of bonds or deposits to guarantee replacement in the event of failure is restricted to special cases where the recipient's engineer adequately justifies any such requirement in writing. Where this justification has been made, submission of a bond or deposit shall be permitted instead of a specified experience period. The period of time for which the bond or deposit is required shall not exceed the experience period specified;

6. Domestic products procurement law[.] requirements [(I)]in accordance with sections 34.350-34.359, RSMo[, the bid documents shall require all manufactured goods or commodities used or supplied in the performance of any contract or sub-contract awarded on a loan project to be manufactured, assembled or produced in the United States, unless obtaining American-made products would increase the cost of the contract by more than ten percent (10%) and in accordance with section 71.140, RSMo, preference shall be given to Missouri products];

7. Bonding[. O]n construction contracts exceeding one hundred fifty thousand dollars [(\$100,000)] (\$150,000), the bid documents shall require each bidder to furnish a bid guarantee equivalent

to five percent (5%) of the bid price. In addition, the bid documents must require the successful bidder to furnish performance and payment bonds, each of which shall be in an amount not less than one hundred percent (100%) of the contract price;

8. State wage determination/. *The bid documents shall contain the current prevailing wage determination issued by the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, if otherwise required by law* in accordance with sections 290.210-290.340, RSMo and 8 CSR 30 Chapter 3;

9. Right of entry to the project site shall be provided for representatives of the department [and], the Environmental Improvement and Energy Resources Authority, and the Missouri State Auditor so they may have access to the work wherever it is in preparation or progress; and

10. The [specifications must include the] following statement: "The owner shall make payment to the contractor in accordance with section 34.057, RSMo."

[(K)](I) Construction Equipment and Supplies Procurement. This section describes the minimum procurement requirements which the recipient must use unless the [applicant] recipient elects to use the design/build option described in subsection (8) [(L)](J) of this rule.

1. Small purchases. A small purchase is the procurement of materials, supplies, and services when the aggregate amount involved in any one (1) transaction does not exceed [twenty-five] one hundred fifty thousand dollars [(\$25,000)] (\$150,000). The small purchase limitation of [twenty-five] one hundred fifty thousand dollars [(\$25,000)] (\$150,000) applies to the aggregate total of an order, including all estimated handling and freight charges, overhead and profit to be paid under the order. In arriving at the aggregate amount involved in any one (1) transaction, all items which should properly be grouped together must be included. Department [approval] concurrence and a minimum of three (3) quotes must be obtained prior to purchase.

2. Bidding requirements. This paragraph applies to procurement of construction equipment, supplies, and construction services in excess of [twenty-five] one hundred fifty thousand dollars [(\$25,000)] (\$150,000) awarded by the recipient. No contract shall be awarded until the department has approved the formal advertising and bidding.

#### A. Formal advertising.

(I) Adequate public notice. The recipient will cause adequate notice to be given of the solicitation by publication in newspapers of general circulation beyond the recipient's locality (preferable statewide), construction trade journals or plan rooms, inviting bids on the project work and stating the method by which bidding documents may be obtained or examined.

(II) Adequate time for preparing bids. A minimum of thirty (30) days shall be allowed between the date when public notice, publication, insertion, or document availability in a plan room is first published and the date by which bids must be submitted. Bidding documents shall be available to prospective bidders from the date when the notice is first published or provided.

#### B. Bid document requirements and procedure.

(I) The recipient shall prepare a reasonable number of bidding documents (Invitations for Bids) and shall furnish them upon request on a first-come, first-served basis. The recipient shall maintain a complete set of bidding documents and shall make them available for inspection and copying by any party. The bidding documents shall include, at a minimum:

(a) A completed statement of the work to be performed or equipment to be supplied and the required completion schedule;

(b) The terms and conditions of the contract to be awarded;

(c) A clear explanation of the method of bidding and the method of evaluation of bid prices and the basis and method for award of the contract or rejection of all bids;

(d) Responsibility requirements and criteria which will

be employed in evaluating bidders;

(e) The recipient shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening;

(f) If a recipient desires to amend any part of the bidding documents during the period when bids are being prepared, addenda shall be communicated in writing to all firms which have obtained bidding documents in time to be considered before the bid opening time. All addenda must be approved by the department prior to award of the contract;

(g) A firm which has submitted a bid shall be allowed to modify or withdraw its bid before the time of bid opening;

(h) The recipient shall provide for a public opening of bids at the place, date, and time announced in the bidding documents. Bids received after the announced opening time shall be returned unopened;

(i) Award shall be to the lowest, responsive, responsible bidder. After bids are opened, the recipient shall evaluate them in accordance with the methods and criteria set forth in the bidding documents. The recipient shall award contracts only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed contract. A responsible contractor is one that has financial resources, technical qualifications, experience, organization, and facilities adequate to carry out the contract or a demonstrated ability to obtain these. The recipient may reserve the right to reject all bids. Unless all bids are rejected for good cause, award shall be made to the lowest, responsive, responsible bidder. The recipient shall have established protest provisions in the specifications. These provisions shall not include the department as a participant in the protest procedures. If the recipient intends to make the award to a firm which did not submit the lowest bid, the recipient shall prepare a written statement before any award, explaining why each lower bidder was deemed nonresponsive or nonresponsive and shall retain the statements in its files. The recipient shall not reject a bid as nonresponsive for failure to list or otherwise indicate the selection of subcontractor(s) or equipment unless the recipient has clearly stated in the solicitation documents that the failure to list shall render a bid nonresponsive and shall cause rejection of a bid; and

(j) Departmental concurrence with contract award must be obtained prior to actual contract award. Recipients shall notify the department in writing of each proposed construction contract which has an aggregate value over [twenty-five] one hundred fifty thousand dollars [(\$25,000)] (\$150,000). The recipient shall notify the department within ten (10) calendar days after the bid opening for each construction subagreement. The notice shall include:

I. Proof of advertising;

II. Tabulation of bids;

III. The bid proposal from the bidder that the recipient wishes to accept, including justification if the recommended successful bidder is not also the lowest bidder;

IV. Recommendation of award;

V. Any addenda not submitted previously and bidder acknowledgment of all addenda;

VI. Copy of the bid bond;

VII. One (1) set of as-bid specifications;

VIII. Revised financial capability worksheet and certification if bids exceed prebid estimates by more than fifteen percent (15%); and

IX. Site certification, if not previously submitted.

[(L)](J) [Design/Build Projects. Applicants may elect to use the design/build method of procuring design and construction services in lieu of the procurement methods described in subsection (8)(K) of this rule.] **Procurement of Design-build Services.** The procurement of design-build services shall be in accordance with section 67.5060, RSMo. Recipients that are exempt from section 67.5060, RSMo may also utilize design-build services if local ordinances or policies allow design-build and the procurement of the design-build team considers both the qualifications of the

team. Recipients seeking funds for a project utilizing design-build services must notify the department with the recipient's application. Recipients that utilize design-build services shall coordinate procurement activities with the department to ensure compliance.

*[1. Additional application requirements. The applicant must provide the department with:*

*A. A legal opinion of the applicant's counsel stating that the design/build procurement method is not in violation of any state or local statutes, charters, ordinances or rules pertaining to the applicant; and*

*B. A bid package that is sufficiently detailed to ensure that the bids received for the design/build work are complete, accurate, comparable and will result in the most cost-effective operable facility which meets the design requirements of the department. The "Design Guide for Community Water Systems" or the "Ten State Standards" shall be considered for design standards. The prebid package shall contain, at a minimum, the clauses in paragraphs (8)(J)6.-8. of this rule, if applicable.*

*2. Bidding procedures. Bidding shall be conducted in accordance with the procedures described in paragraph (8)(K)2. of this rule.*

*3. Contract type. Design/build contracts shall be lump sum contracts for the cost associated with design and construction. No increases to contract price for design and construction services shall be permitted. Recipients are encouraged to incorporate facility operations into the contract. When included in the contract, the cost of operations for an established time period may be included in the criteria for evaluating bids and selecting the lowest, responsible, responsive bidder.*

*4. Review and oversight. The recipient shall procure engineering services to oversee the design work performed by the design/build contractor and to provide resident inspection of construction. The department may require the recipient to submit plans, specifications and documentation during design and construction as necessary to ensure that the facility meets state standards for design and construction.*

*5. Department approvals and permits. Prior to construction start, the recipient must obtain approval of the construction plans and specifications and obtain a construction permit from the department.]*

*[(M)/(K) Conflict of Interest.*

*1. No employee, officer, or agent of the recipient shall participate in the selection, award or administration of a subagreement supported by state or federal funds if a conflict of interest, real or apparent, would be involved. This conflict would arise when—*

*A. Any employee, officer or agent of the recipient, any member of their immediate families or their partners have a financial or other interest in the firm selected for a contract; or*

*B. An organization which may receive or has been awarded a subagreement employs, or is about to employ, any employee, officer or agent of the recipient, any member of their immediate families or their partners.*

*2. The recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of substantial monetary value from contractors, potential contractors, or other parties to subagreements.*

*[(N)/(L) Changes in Contract Price or Time. The contract price or time may be changed only by a change order. The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by the methods set forth in the following:*

*1. Unit prices.*

*A. Unit prices previously approved are acceptable for pricing changes of original bid items. However, when changes in quantities*

*exceed fifteen percent (15%) of the original bid quantity and the total dollar change of that bid item is greater than twenty-five thousand dollars (\$25,000), the recipient shall review the unit price to determine if a new unit price should be negotiated.*

*B. Unit prices of new items shall be negotiated;*

*2. A lump sum to be negotiated; and*

*3. Cost reimbursement. The actual cost for labor, direct overhead, materials, supplies, equipment, and other services necessary to complete the work plus an amount to cover the cost of general overhead and profit.*

*[(O)/(M) Progress Payments to Contractors.*

*1. Recipients should make prompt progress payments to prime contractors and prime contractors should make prompt progress payments to subcontractors and suppliers for eligible construction, supplies, and equipment costs in accordance with section 34.057, RSMo.*

*[A. For purposes of this section, progress payments are defined as follows:*

*(I) Payments for work in place; and*

*(II) Payments for materials or equipment which have been delivered to the construction site or which are stockpiled in the vicinity of the construction site in accordance with the terms of the contract, when conditional or final acceptance is made by or for the recipient. The recipient shall assure that items for which progress payments have been made are adequately insured and are protected through appropriate security measures.*

*2. Appropriate provisions regarding progress payments must be included in each contract and subcontract.]*

*[3.]2. Retention from progress payments. [The recipient may retain a portion of the amount otherwise due the contractor.] The amount the recipient retains [shall] should be in accordance with section 34.057, RSMo.*

*[(P) Classification of Costs.*

*1. Eligible project costs. Loans shall not exceed the total eligible project costs described in this subsection (8)(P) less any amounts financed by any means other than through the direct loan program. All project costs will be eligible if they are reasonable and cost effective and are necessary for the approved project, including required mitigation. Eligible costs include, at a minimum:*

*A. Engineering services and other services incurred in planning and in preparing the design drawings and specifications for the project. These services and their related expenses can be reimbursed based on actual invoices to be submitted after loan closing or by means of an allowance. For invoice reimbursement, the department must have a copy of the executed engineering contract for planning and design of the project. Allowance reimbursement for these services will be based on a percentage of the total eligible construction contract amounts at bid opening as determined from Table 1 or 2 (as applicable) plus land, equipment, materials and supplies identified or referenced in the approved engineering report. For phased or segmented projects, incremental allowance calculations and corresponding reimbursements may be made;*

*B. The reasonable cost of engineering services incurred during the building and initial operation phase of the project to ensure that it is built in conformance with the design drawings and specifications. A registered professional engineer licensed in Missouri or a person under the direction and continuing supervision of a registered professional engineer licensed in Missouri must provide inspection of construction for the purpose of assuring and certifying compliance with the approved plans and specifications. Eligible construction phase and initial operation phase service are limited to—*

*(I) Office engineering;*



- (II) Construction surveillance;
- (III) Stakeout surveying;
- (IV) As-built drawings;
- (V) Special soils/materials testing;
- (VI) Operation and maintenance manual;
- (VII) Follow-up services and the cost of start-up training for operators of mechanical facilities constructed by the project to the extent that these costs are incurred prior to this department's final inspection. Costs shall be limited to on-site operator training tailored to the facilities constructed or on- or off-site training may be provided by the equipment manufacturer if this training is properly procured;
- (VIII) User charge ordinance; and
- (IX) Plan of operation;

C. Abandoning costs. The reasonable and necessary cost of abandoning drinking water facilities no longer in use. Generally, these costs will be limited to the demolition and disposal of the structures, and abandoning unused wells owned by the recipient in accordance with 10 CSR 23-3.110, and final grading and seeding of the site;

D. Change orders and the costs of meritorious contractor claims for increased costs under subagreements as follows:

- (I) Within the allowable scope of the project;
- (II) Costs of equitable adjustments due to differing site conditions;
- (III) Settlements, arbitration awards and court judgments which resolve contractor claims shall be allowable only to the extent that they are not due to the mismanagement of the recipient;

E. Costs necessary to mitigate only direct, adverse, physical impacts resulting from building of the water works;

F. The costs of site screening necessary to comply with environmental studies and facilities plans or necessary to screen adjacent properties;

G. Equipment, materials and supplies.

(I) The cost of a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations and laboratory items necessary to conduct tests required for plant operation.

(II) Cost of shop equipment installed at the public water system necessary to the operation of the works.

(III) The costs of necessary safety equipment, provided the equipment meets applicable federal, state, local or industry safety requirements.

(IV) The costs of mobile equipment necessary for the operation of the overall public water system, or for the maintenance of equipment. These items include: portable standby generators; large portable emergency pumps; trailers and other vehicles having as their purpose the transportation or application, or both, of liquid or dewatered water treatment plant residuals; and replacement parts identified and approved in advance;

H. Costs of royalties for the use of or rights in a patented process or product with the prior approval of the department;

I. Land, easements or rights of way when the acquisition of real property or interests therein is integral to the project and the purchase is from a willing seller. Eligibility shall be limited to fair market value;

J. Force account work for construction oversight and engineering planning and design. If force account is used for planning and design, all engineering services during construction must be provided through force account;

K. The cost of preparing an environmental impact statement if required under 10 CSR 60-13.030;

L. Costs of issuance, capitalized interest, EIARA application fees, and contracted project administration costs; and

M. Debt service reserve deposits.

3. Noneligible costs include, but are not limited to:

A. The cost of ordinary site and building maintenance equipment such as lawnmowers and snowblowers;

B. The cost of general purpose vehicles for the transportation of the recipient's employees;

C. Costs allowable in subparagraph (8)(P)2.I. of this rule that are in excess of just compensation based on the appraised value;

D. Ordinary operating expenses of the recipient including salaries and expenses of elected and appointed officials and preparation of routine financial reports and studies, and any permit fees necessary for the normal operation of the constructed facility;

E. Preparation of applications and permits required by federal, state or local regulations or procedures;

F. Administrative, engineering and legal activities associated with the establishment of special departments, agencies, commissions, regions, districts or other units of government;

G. Personal injury compensation or damages arising out of the project;

H. Fines and penalties due to violations of, or failure to comply with, federal, state or local laws, regulations or procedures;

I. Costs outside the scope of the approved project;

J. Costs for which grant or loan payment have been or will be received from another state or federal agency;

K. Force account work except that listed in subparagraph (8)(P)2.J. of this rule; and

L. Costs associated with acquisition of easements and land except that listed in subparagraph (8)(P)2.I.

Table 1—Maximum Eligible Amount for Facilities  
Planning and Design

Construction Cost	Allowance as a Percentage of Construction Cost*
\$ 100,000 or less	14.49
120,000	14.11
150,000	13.66
175,000	13.36
200,000	13.10
250,000	12.68
300,000	12.35
350,000	12.08
400,000	11.84
500,000	11.46
600,000	11.16
700,000	10.92
800,000	10.71
900,000	10.52
1,000,000	10.36
1,200,000	10.09
1,500,000	9.77
1,750,000	9.55
2,000,000	9.37
2,500,000	9.07
3,000,000	8.83
3,500,000	8.63
4,000,000	8.47
5,000,000	8.20
6,000,000	7.98
7,000,000	7.81
8,000,000	7.66
9,000,000	7.52
10,000,000	7.41
12,000,000	7.22
15,000,000	6.99
17,500,000	6.83
20,000,000	6.70
25,000,000	6.48
30,000,000	6.31
35,000,000	6.17
40,000,000	6.06
50,000,000	5.86
60,000,000	5.71
70,000,000	5.58
80,000,000	5.47
90,000,000	5.38
100,000,000	5.30
120,000,000	5.16
150,000,000	4.99
175,000,000	4.88
200,000,000	4.79

Table 2—Maximum Eligible Amount—Design Only

Construction Cost	Allowance as a Percentage of Construction Cost*
\$ 100,000 or less	8.57
120,000	8.38
150,000	8.16
175,000	8.01
200,000	7.88
250,000	7.67
300,000	7.50
350,000	7.36
400,000	7.24
500,000	7.05
600,000	6.89
700,000	6.77
800,000	6.66
900,000	6.56
1,000,000	6.43
1,200,000	6.34
1,500,000	6.17
1,750,000	6.05
2,000,000	5.96
2,500,000	5.80
3,000,000	5.67
3,500,000	5.57
4,000,000	5.48
5,000,000	5.33
6,000,000	5.21
7,000,000	5.12
8,000,000	5.04
9,000,000	4.96
10,000,000	4.90
12,000,000	4.79
15,000,000	4.67
17,500,000	4.58
20,000,000	4.51
25,000,000	4.39
30,000,000	4.29
35,000,000	4.21
40,000,000	4.14
50,000,000	4.03
60,000,000	3.94
70,000,000	3.87
80,000,000	3.81
90,000,000	3.75
100,000,000	3.71
120,000,000	3.63
150,000,000	3.53
175,000,000	3.46
200,000,000	3.41

\*Interpolate between values.

Note: These tables shall not be used to determine the compensation for facilities planning or design services. The compensation for facilities planning for design services should be based upon the nature, scope and complexity of the services required by the community./

[(Q)](N) Trustee or Paying Agent. The department may require the recipient to contract with a trustee or paying agent to provide [all or part of] the [following] services listed below, along with other such services as detailed in the participants escrow agreement:

1. [Make joint assistance payments to the recipient and their contractors] **Maintain separate trust funds and accounts for recipients;**

2. [Ensure that payments are only released to those recipients whose contractors have a project contract approved by the department] **Disburse funds to recipients;**

3. [Ensure that none of the recipient's contractors receive more in assistance payments than approved by the department] **Collect principal and interest quarterly payments from recipients; and**

4. [Maintain financial records of credits and debits for the construction project] **Provide monthly financial reports to recipients.**

(9) [Construction Loans] **Reimbursement Terms.**

[(A)] The department may award construction loans to qualified applicants in order to provide interim financing during construction of their project. Construction loans will contain clauses and provisions determined by the department to be necessary to protect the interests of the state.

[(B)] With exception of substate revolving funds and projects receiving financing through the leveraged loan program, the construction loan will remain in force throughout the construction period. However, it must be paid in full in accordance with the closing deadline provided in the construction loan agreement.

[(C)] If the department is to provide long-term financing under this rule, then the construction loan must contain an agreement by the department and the recipient that the department will purchase the recipient's general obligation, revenue bonds or other acceptable debt obligation after construction is completed. If a construction loan is awarded, the permanent financing amount will be limited in amount to the sum of the payments drawn from the construction loan for eligible project costs plus interest accrued on the construction loan plus the reasonable costs of issuance which can be financed under Missouri statutes.]

[(D)](A) [Unless specifically addressed in the loan documents, the recipient may request construction loan payments no more often than monthly.] The maximum [construction advance shall] **reimbursement will be no more than** the sum of all eligible costs incurred to date. Each payment shall include the information listed here and any other information deemed necessary by the department to ensure proper project management and expenditure of public funds:

1. Completed reimbursement request form;
2. Construction pay estimates signed by the construction contractor, the recipient, and the [resident inspector] **consulting engineer**, if applicable; and
3. Invoices for other eligible services, equipment, and supplies for the project.

[(E)](B) If the department is satisfied that the payment request accurately reflects the eligible cost incurred to date on the project, the department will request that [a] state payment [check] be issued to the recipient.

[(F)] The department shall purchase revenue bonds, general obligation bonds or other acceptable debt obligations from the loan recipient by the closing deadline contained in the construction loan agreement.]

[(10)] **Project Bypass, Project Removal and Modification of Funding.** This section applies to loan applicants on a fundable priority list. In order to assure best use of the loan funds in a reasonably expeditious manner, projects may be

bypassed or removed from a fundable priority list or loan amounts may be modified. The department will confer and negotiate with affected applicants prior to making or recommending decisions on project bypass, project removal or modification of loan amounts.

(A) **Project Bypass.**

1. **Eligibility for bypass.** A project may be bypassed if the project is not, in the opinion of the department, making satisfactory progress toward satisfying requirements for assistance.

2. **Bypass criteria.**

A. Any project on the fundable priority list may be bypassed if the applicant fails to submit the documents required for assistance at least sixty (60) days prior to the beginning of the quarter for which the assistance is anticipated.

B. Individual schedules developed by the department may be used to determine whether a project is making satisfactory progress during the fiscal year. A project may be bypassed for failure to meet the schedule.

3. **Bypass procedures.**

A. Bypassed projects will be removed from the fundable priority list and, if the application is still valid, will be placed on a project list, in priority order, for funding consideration in the next fiscal year.

B. Funds recovered through project bypass will be considered uncommitted and available for distribution to the next priority project.

[(B)] **Project Removal.** Projects may be removed from the fundable priority list at the request of the applicant, upon a finding by the department that the project is ineligible for direct loan assistance, upon a finding that the applicant's credit is not adequate for participation in the direct loan program, or if, after the second intended use plan cycle, the applicant has not closed on the loan. If an applicant is removed, it may reapply only after it has secured its debt issuance authorization.

[(C)] **Modification of Funding.** In order to maximize use of the aggregate funds available to the state for drinking water infrastructure improvements, the commission may remove projects or modify funding amounts upon a finding by the department that the applicant is eligible for funding from other government programs (such as USDA Rural Development, the Department of Economic Development's Community Development Block Grant Program, or the Environmental Improvement and Energy Resources Authority) or when deemed necessary by the department based on bids received. The department will coordinate with the other funding agencies to arrive at equitable and workable funding options for the applicant. The department reserves the right to limit the maximum loan amount awarded.]

**AUTHORITY:** sections 640.100 and 640.140, RSMo [2000] 2016. Original rule filed Jan. 19, 2001, effective Sept. 30, 2001. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection

*Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to [fac@dnr.mo.gov](mailto:fac@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10 a.m. on August 16, 2018 at the Department of Natural Resources, Elm Street Conference Center, Bennett Springs/Roaring River Conference Rooms, 1730 East Elm Street, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 13—Grants and Loans**

**PROPOSED AMENDMENT**

**10 CSR 60-13.030 Environmental Review.** The department is amending the purpose of the rule and sections (1)–(6), deleting subsection (6)(E), and adding a new section (8).

*PURPOSE: The amendment revises the purpose statement, removes language that is no longer applicable, clarifies current rule language and removes duplicative, and unnecessary regulatory requirements.*

*PURPOSE: This rule establishes procedures and requirements for environmental reviews [required] for assistance from the Drinking Water State Revolving Fund [loan] program.*

(1) General. The purpose of the environmental review is to ensure that the project will comply with applicable local, state, and federal laws and rules relating to the protection and enhancement of the environment. Based upon the staff's review, the director will make formal determinations regarding the potential social and environmental impacts of the proposed project. As necessary, the determination will include mitigative provisions as a condition of the provision of financial assistance for *[building] construction*. No financial assistance will be provided until a final environmental determination has been made. Nothing in this rule shall prohibit any public, private, or governmental party from seeking administrative or legal relief from the determinations of the director.

(2) Basic Environmental Determinations. **There are [T]three** (3) basic environmental determinations **that will** apply to projects proposed to be implemented with assistance from the fund.

(A) Categorical exclusion (CE). The *[categorical exclusion [CE]]* determination applies to categories of projects that have been shown over time not to entail significant impacts on the quality of the human environment.

1. Projects which meet *[either of]* the following criteria may be categorically excluded from formal environmental review requirements:

A. The project is directed solely toward minor rehabilitation of existing facilities, functional replacement of equipment, or toward the construction of related facilities adjoining the existing facilities that do not affect the degree of water treatment or the capacity of the public water system. Examples include rehabilitation of existing equipment and structures, and the construction of small structures on existing sites; *[and]* or

**B. New underground water lines or structures if located entirely in existing rights-of-way that have been previously disturbed and supported by appropriate documentation to verify the rights-of-way location(s) and type(s) of previous disturbance.**

2. CEs will not be granted for projects that entail—

A. The construction of new water mains **located outside existing rights-of-ways;**

B. A new water supply source or relocation of an existing water supply source;

C. An increase of more than thirty percent (30%) in the *[required]* capacity of the water system;

D. Provision of a capacity for a population thirty percent (30%) or greater than the existing population;

E. Known or expected impacts to cultural resources, threatened or endangered species, or other environmentally sensitive areas; and

F. The construction of facilities that are known or expected to be not cost-effective or are likely to cause significant public controversy.

(B) Finding of no significant impact/environmental assessment (FNSI/EA). The FNSI/EA will be based upon an environmental review by the staff supported by an environmental information document (EID) prepared by the *[applicant]* **recipient** in conformance with guidance developed by the department. If a FNSI/EA is not appropriate, a public notice noting the preparation of an **environmental impact statement** (EIS) will be required. The director's issuance of a FNSI/EA will be based upon documentation that the potential environmental impacts will not be significant or that they may be mitigated without extraordinary measures.

(C) Record of Decision (ROD). The ROD may only be based upon an EIS in conformance with the format and guidelines described in *[this]* subsection **(5)(C)**. An EIS will be required when the director determines any of the following:

1. The project **will** significantly *[will]* affect the pattern and type of land use or growth and distribution of the population;

2. The effects resulting from any structure or facility constructed or operated under the proposed action may conflict with local or state land use plans or policies;

3. The project may have significant adverse impacts upon—

A. Wetlands;

B. Floodplains;

C. Threatened and endangered species or their habitats;

D. Cultural resources including parklands, preserves, other public lands or recognized scenic, recreational, prime farmlands, archeological or historic value; and

E. Prime farmland;

4. The project will displace populations or significantly alter the characteristics of existing residential areas; and

5. The project directly or indirectly (for example, through induced development) may have significant adverse effect upon local ambient air quality, local noise levels, surface and groundwater quantity or quality, fish, shellfish, wildlife, or their natural habitats.

(3) When five (5) or more years have elapsed between the last environmental determination and the submittal of an application to the fund, the director will reevaluate the project, environmental conditions and public views and, prior to approval of the application, proceed in accordance with *[sub]section* (6)*[(A)]* of this rule.

**(4) *[Pre-environmental review c]*Construction Prior to Environmental Review.**

(A) *A[n applicant]* **recipient** may request advance authority to construct part of the proposed drinking water project prior to completion of the necessary environmental review when that part of the project will—

1. Remedy a severe public health problem immediately;

2. Not preclude any reasonable alternatives identified for the complete system;

3. Not cause significant direct or indirect environmental impacts including those which cannot be acceptably mitigated without completing the entire project; and

4. Not be highly controversial.

(B) Based upon the review of the information required by section (2) of this rule, the director will issue a FNSI/EA so conditioned as to prohibit construction of the remainder of the project until a complete environmental review has been performed and a subsequent environmental determination has been issued.

(5) Information Required for Environmental Review. *[A minimum*

of three (3) copies of all information required in this section shall be submitted to the department.]

(A) *[Applicants]* **Recipients** seeking a CE *[shall]* **will** provide the director with sufficient documentation to demonstrate compliance with the criteria of subsection (2)(A). At a minimum, this *[shall]* **will** consist of a—

1. Brief, complete description of the proposed project and its costs;
2. Statement indicating that the project is cost-effective and that the *[applicant]* **recipient** is financially capable of constructing, operating, and maintaining the facilities; and
3. Plan map(s) of the proposed project showing—
  - A. The location of all construction areas;
  - B. The planning area boundaries; and
  - C. Any known environmentally sensitive areas.

(B) An EID shall be submitted by those *[applicants]* **recipients** whose proposed projects do not meet the criteria for a CE and for which the director has made a preliminary determination that an EIS will not be required. The director will provide guidance on both the format and contents of the EID to potential *[applicants]* **recipients** prior to initiation of facilities planning.

1. At a minimum, the contents of an EID *[shall]* **will** include:
  - A. The purpose and need for the project;
  - B. **Information describing [T]the current** environmental setting of the project and the future *[of the]* environmental **setting** without the project;
  - C. The alternatives to the project as proposed;
  - D. A description of the proposed project;
  - E. **The proposed impact of the project and alternatives on the user rates;**

*[E./F.]* The potential environmental impacts of the project as proposed including those which cannot be avoided;

*[F./G.]* The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity;

*[G./H.]* Any irreversible and irretrievable commitments of resources to the proposed project;

**I. Proposed mitigation measures to minimize the environmental impacts of the project;**

*[H./J.]* A description of public participation activities conducted, issues raised, and changes to the project which may be made as a result of the public participation process; and

*[I./K.]* Documentation of coordination with appropriate governmental agencies.

2. The *[applicant shall]* **recipient will** hold a public **meeting** or hearing on the proposed project and the EID, and provide the director with a *[verbatim transcript of the]* **complete record of the meeting** or hearing. *[The director will provide guidance to the applicant regarding the contents of the hearing notice and of the hearing.]* The **meeting** or hearing will be advertised at least thirty (30) days in advance in a local newspaper of general circulation. *[Concurrent with the advertisement, a notice of the public hearing and availability of the documents will be sent to all local, state and federal agencies and public and private parties that may have an interest in the proposed project.]* Included with the *[transcript]* **meeting record** will be a list of all attendees with addresses, any written testimony, and the *[applicant's]* **recipient's** responses to the issues raised.

*[3. The department will provide copies of the FNSI/EA to all federal, state and local agencies and others with an interest in the project.]*

(C) The format of an EIS *[shall]* **will** encourage sound analyses and clear presentation of alternatives, including the no-action alternative and the selected alternative and their environmental, economic, and social impacts. The following format shall be followed by the *[applicant]* **recipient** unless the director determines there are compelling reasons to do otherwise:

1. A cover sheet identifying the *[applicant]* **recipient**, the pro-

ject(s), the program through which financial assistance is requested, and the date of publication;

2. An executive summary consisting of a five to fifteen (5-15) page summary of the critical issues of the EIS in sufficient detail that the reader may become familiar with the proposed project and its cumulative effects. The summary will include:

- A. A description of the existing problem;
- B. A description of each alternative;
- C. A listing of each alternative's potential environmental impacts, mitigative measures, and any areas of controversy; and
- D. Any major conclusions;

3. The body of the EIS which *[shall]* **will** contain the following information:

A. A complete and clear description of the purpose and need for the proposed project that clearly identifies its goals and objectives;

B. A balanced description of each alternative considered by the *[applicant]* **recipient**. The descriptions will include the size and location of the facilities and pipelines, land requirements, operation and maintenance requirements, and construction schedules. The alternative of no action will be discussed and the *[applicant's]* **recipient's** preferred alternative(s) will be identified. Alternatives that were eliminated from detailed examination will be presented with the reasons for their elimination;

C. A description of the alternatives available to the department including:

- (I) Providing financial assistance to the proposed project;
- (II) Requiring that the proposed project be modified prior to providing financial assistance to reduce adverse environmental impacts or providing assistance with conditions requiring the implementation of mitigative measures; and
- (III) Not providing financial assistance;

D. A description of the alternatives available to other local, state, and federal agencies which may have the ability to issue or deny a permit, provide financial assistance, or otherwise affect or have an interest in any of the alternatives;

E. A description of the affected environment and environmental consequences of each alternative including secondary and cumulative impacts. The affected environment on which the evaluation of each alternative will be based includes, as a partial listing, hydrology, geology, air quality, noise, biology, socioeconomic, land use, and cultural resources of the facilities planning area. The department will provide guidance, as necessary, to the *[applicant]* **recipient** regarding the evaluation of the affected environment. The discussion will present the total impacts of each alternative in a manner that will facilitate comparison. The effects of the no-action alternative must be included to serve as a baseline for comparison of the adverse and beneficial impacts of the other alternatives. A description of the existing environment will be included in the no-action section to provide background information. The detail in which the affected environment is described will be commensurate with the complexity of the situation and the significance of the anticipated impacts;

4. The draft EIS will be provided to all local, state, and federal agencies and public groups with an interest in the proposed project and be made available to the public for review. The final EIS will include all objections and suggestions made before and during the draft EIS review process along with the issues of public concern expressed by individuals or interested groups. The final EIS must include discussions of any such comments pertinent to the project or the EIS. All commenters will be identified. If a comment has led to a change in either the project or the EIS, the reason should be given. The department will always endeavor to resolve any conflicts that may have arisen, particularly among permitting agencies, prior to the issuance of the final EIS. In all cases, the comment period will be no less than forty-five (45) days;

5. Material incorporated into an EIS by reference will be organized into a supplemental information document and be made available for public review upon request. No material may be incorporated by

reference unless it is reasonably available for inspection by interested persons within the comment periods specified in paragraph (5)(C)4. and subparagraph (5)(C)7.C.;

6. When an EIS is prepared by contractors, either in the service of the *[applicant]* recipient or the department, the department will independently evaluate the EIS prior to issuance of the ROD and take responsibility for its scope and contents. The staff who undertake this evaluation will be identified under the list of preparers along with those of the contractor and any other parties responsible for the content of the EIS; and

7. The public participation required for an EIS is extensive but, depending upon the nature and scope of the proposed project, should be supplemented by the *[applicant]* recipient. The following requirements represent the minimum allowable:

A. Upon making the determination that an EIS is required of a proposed project, the department will distribute a notice of intent to prepare an EIS;

B. As soon as possible after the notice of intent has been issued, the director will convene a meeting of the affected federal, state and local agencies, the *[applicant]* recipient and other interested parties to determine the scope of the EIS. A notice of this scoping meeting may be incorporated into the notice of intent or prepared as in paragraph (5)(B)2. of this rule except that in no case will the notification period be less than forty-five (45) days. As part of the scoping meeting the director will, at a minimum—

(I) Determine the significance of issues and analyze in depth the scope of those significant issues in the EIS;

(II) Identify the preliminary range of alternatives to be considered;

(III) Identify potential cooperating agencies and determine the information or analyses that may be needed from cooperating agencies or other parties;

(IV) Discuss the method for EIS preparation and the public participation strategy;

(V) Identify consultation requirement of other laws and regulations; and

(VI) Determine the relationship between the preparation of the EIS and the completion of the engineering report and any necessary arrangements for coordination of the preparation of both documents; and

C. Following the scoping process, the director will begin the identification and evaluation of all potentially viable alternatives to adequately address the range of issues developed in the scoping. A summary of this, including a list of the significant issues identified, will be provided to the *[applicant]* recipient and other interested parties. Preparation of the EIS will be done at the discretion of the department: directly, by the staff; by consultants to the department; or by a consultant contracted by the *[applicant]* recipient subject to approval by the department. In the latter two (2) cases, the consultant will be required to execute a disclosure statement prepared by the department signifying they have no financial or other conflicting interest in the outcome of the project. Both the draft EIS and final EIS will be distributed and made available for public review in a fashion consistent with the requirements of paragraph (5)(B)2. of this rule except that the advertisement and comment period for the public participation will be no less than forty-five (45) days. The department will publish in a newspaper of general circulation in the project area, a notice of availability of the EIS giving locations at which it will be available for public review at least forty-five (45) days prior to making any environmental determination.

#### (6) Environmental *[Review]* Determination.

(A) When the director has determined that a *[n applicant's]* recipient's proposed project may be excluded from a formal environmental review, the director will prepare a *[public notice of the]* determination to categorically exclude the project *[and the availability of supporting documentation for public inspection. The notice will be published in a local newspaper of commu-*

*nity-wide circulation by the applicant]*. The director~~], concurrent with the publication,~~ will distribute the *[notice]* determination to *[all]* interested *[parties]* federal agencies, state and local governments, and entities that have expressed an interest in the proposed project, and a copy will be available to the public upon request.

(B) An environmental review of the proposed project, supported by the *[applicant's]* recipient's EID, will be conducted by the director to determine whether any significant impacts are anticipated and whether any changes may be made in the proposed project to eliminate significant adverse impacts. As part of this review, the director may require the *[applicant]* recipient to submit additional information or undertake additional public participation and coordination to support its environmental determination. Based on the environmental review, the director will prepare a FNSI/EA describing—

1. The purpose and need for the proposed project;
2. The proposed project including its costs;
3. The alternatives considered and the reasons for their rejection or acceptance;
4. The existing environment;
5. Any potential adverse impacts and mitigative measures; and
6. Any proposed conditions to the provision of financial assistance and any means provided for the monitoring of compliance with the conditions.

(C) **When the director has determined that a FNSI/EA will be issued, the director will prepare a FNSI/EA.** The FNSI/EA will be distributed to *[all parties, governmental entities and agencies]* the interested federal agencies, state and local governments, entities that *[may]* have expressed an interest in the proposed project and a copy will be available to the public upon request. No action regarding approval of the engineering report or the provision of financial assistance will be taken by the director for at least thirty (30) days after the issuance of the FNSI/EA.

(D) Public participation requirements for an EIS are detailed in paragraph (5)(B)2. except the ROD and final EIS shall have a forty-five (45)-day period of notice.

*[(E) In accordance with section (7) of this rule, the director will conduct environmental reviews and issue public notices or amended determinations as appropriate.]*

**(8) The director may, on a case-by-case basis, accept the environmental determinations, consistent with the National Environmental Policy Act completed by other state and federal agencies. Environmental determinations completed by other state and federal agencies must be less than five (5) years old unless reaffirmed.**

*AUTHORITY: sections 640.100 and 640.107, RSMo [Supp. 1998] 2016. Emergency rule filed July 15, 1998, effective July 25, 1998, expired Feb. 25, 1999. Original rule filed Aug. 17, 1998, effective April 30, 1999. Amended: Filed June 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, attn. Hannah Humphrey, PO Box 176, Jefferson City, MO 65102 or to fac@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on August 23, 2018 at 5:00 p.m. A public hearing is scheduled for 10 a.m. on August 16, 2018 at the Department of Natural Resources, Elm Street*

Conference Center, Bennett Springs/Roaring River Conference Rooms, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 60—Safe Drinking Water Commission**  
**Chapter 14—Operator Certification**

**PROPOSED AMENDMENT**

**10 CSR 60-14.010 Classification of Public Water Systems and System Requirements.** The department is amending section (3) and revising Table 1 and Table 2, and making minor changes to section (4).

*PURPOSE: The amendment will revise the classification levels of public water system treatment and distribution systems for the purpose of determining the certification level required for the chief operator and other certified personnel.*

**(3) Classification of Public Water Systems.**

(A) The department will classify each treatment facility by considering the treatment facility complexity, source of water, type of treatment performed, and *[, for surface water systems only,]* size. This classification is based on, but may not be limited to, the criteria in Table 1 of this rule. Other treatment technologies not listed in Table 1 will be considered on a case-by-case basis. From this classification process, the department will determine the certification level that a chief operator must have to supervise the operation of the treatment facility. *[Treatment facilities (except as provided in paragraph (3)(B)1. of this rule) will remain classified at the level determined prior to August 1, 2001 or will be classified as indicated by Table 1 of this rule, whichever is the higher classification.]*

(B) The department will classify each distribution system by size and complexity. This classification is based on, but may not be limited to, the criteria in Table 2 of this rule. Other distribution technologies will be considered on a case-by-case basis. From this classification process, the department will determine the certification level that the chief operator must have to supervise the operation of the distribution system.

*[1.] Systems that only chlorinate, reduce the hardness of the water by ion exchange, or provide no treatment will be classified as distribution systems.*

*[2. DS-III distribution system operator certificates shall be issued to all operators who possess a valid Missouri drinking water system operator certificate on August 1, 2001.]*

(C) The classification of public water systems, the operational control of which relies on extensive instrumentation, automation, and **Supervisory Control and Data Acquisition (SCADA)** systems, will be determined on a case-by-case basis.

*[(D) If changes in the method of classifying water systems result in a reclassification of a water treatment system, then the chief operator shall receive the appropriate certification to continue as chief operator.]*

*[(E)](D) Any public water system owner [can request in writing a hearing before the department to] may appeal the system's classification. The hearing shall be conducted by the director of the department or a hearing officer designated by the director] to the Administrative Hearing Commission as provided in section 621.250, RSMo.*



**Table 1. [Water] Treatment [System] Facility Classification**

The highest level applicable to the system is the classification of the system.		Classification
Source Water	Surface Water source, with treatment facility capacity greater than 1.5 Million Gallons per Day	A
	Surface Water source, with treatment facility capacity less than or equal to 1.5 Million Gallons per Day	B
	Ground Water Under Direct Influence of Surface Water (GWUDI)	B
	<b>Ground Water (Not GWUDI) with treatment facility capacity greater than 1.5 Million Gallons per Day and performing lime softening</b>	<b>B</b>
	Purchased water, with further treatment by the purchasing system (other than chlorination or ion exchange softening)	D
	Ground Water (Not GWUDI), with treatment other than chlorination or ion exchange softening	D
	Ground Water (Not GWUDI) or Purchased Water with chlorination or ion exchange softening only	See Classification Table 2
	Ground Water (Not GWUDI) or Purchased Water with no treatment	
Disinfection	Chlorine Dioxide	B
	Ozone	B
	Ultra Violet Light	D
	Gas Chlorination with one-ton containers	C
	Gas Chlorination, Calcium or Sodium Hypochlorination in combination with other treatment other than ion exchange softening	D
	Chloramines	D
Chemical Treatment	Chemical Oxidation (example—potassium permanganate)	C
	Coagulation—Groundwater	C
	Coagulation—Surface Water	B
	Fluoridation	D
	Ion Exchange (for purposes other than softening including processes such as nitrate removal)	C
	Lime/Soda Softening	C
	Sequestration	D
	pH, alkalinity adjustment	C
Physical Treatment	Adsorption (example—Activated Carbon)	C
	Aeration (examples—cascade, diffused, packed tower, slat tray, spray)	D
	Filtration (example—greensand, pressure, rapid gravity, slow sand)	C
	Reverse Osmosis, Membrane Filtration, Ultrafiltration	B
	Ion Exchange (for softening) is included in all treatment and distribution certifications. The level of certification required will be determined by the other treatment or distribution characteristics as appropriate.	Each type and level

**Table 2. [Water] Distribution System Classification.**

The highest level applicable to the system is the classification of the system.		
		Minimum Classification
Population served (by distribution system)	Greater than <i>[10,001/10,000]</i>	DS III
	Between 3,301 to 10,000	DS II
	Up to 3,300	DS I
[Pressure Zones]	<i>Multiple, interconnected pressure zones</i>	<i>DS II</i>
	<i>Single pressure zone in system</i>	<i>DS I</i>
Distribution Source Water	Multiple sources (distributed water is blended from more than one treatment facility, well, or purchased source and finished waters from various sources are substantially different in chemical characteristics)	DS III
	<i>[Multiple sources (distributed water is blended from more than one treatment facility, well, or purchased source and finished waters from various sources are substantially the same in chemical characteristics)]</i>	<i>DS II</i>
	<i>Single source (distributed water comes from a single treatment facility, well, or purchased from a single source at any one time)</i>	<i>DS I</i>
System Storage	Multiple gravity storage facilities <i>[or water must be pumped from storage facility]</i>	DS II
	<i>[Pneumatic tanks or single gravity storage "floating on system"]</i>	<i>DS I</i>
[Valves]	<i>Altitude valves in system</i>	<i>DS II</i>
	<b>Two or more [P]pressure reducing valves [necessary] (excluding those on customer service lines)</b>	DS II
Disinfection	Gas Chlorination is the only distribution system treatment	DS II
	Calcium or Sodium Hypochlorite is the only distribution system treatment	DS I
	Water in distribution systems from surface water source is re-chlorinated	DS III
[Fire Protection]	<i>Fire protection is provided by distribution system</i>	<i>DS II</i>
	<i>No fire protection provided by distribution system</i>	<i>DS I</i>
Ion Exchange (for softening) is included in all treatment and distribution certifications. The level of certification required will be determined by the other treatment or distribution characteristics as appropriate.		Each type and level

**(4) System Requirements.**

(A) The water system owner shall place the direct supervision of each treatment facility and each distribution system under the responsible charge of a chief operator.

1. The chief operator shall possess a valid certificate equal to or greater than the classification of the treatment facility or distribution system.

2. The chief operator can be responsible for both the [water] treatment facility and distribution system at the owner's discretion.

3. The chief operator shall have overall responsibility for no more than one (1) surface water treatment system under one public water system identification number, unless otherwise approved by the department on a case-by-case basis.

4. The name of the chief operator shall be supplied to the department by the owner of the public water system and will be on file at all times.

5. In the event the chief operator is no longer available to serve, the owner of the public water system shall notify the department of the vacancy within *[ten (10) working/ fifteen (15) calendar]* days and shall appoint an interim operator. The interim operator shall be considered the system's certified chief operator for the purposes of complying with 10 CSR 60-14.010 and 10 CSR 60-14.020 on a temporary basis until a properly certified chief operator is hired. Following consultation with the public water system owner, the department will establish a schedule of activities and a timeline for the system to have a certified chief operator who has met all applicable certification requirements.

6. Public water systems shall have a contingency plan for a standby replacement chief operator to be available at all times. This

may be, for example, a second employee certified at the chief operator level, a mutual assistance agreement with a neighboring system, or a pre-arrangement with a contract operator.

7. The owner shall notify the department in writing within *[ten (10) working/ fifteen (15) calendar]* days after the chief operator is replaced.

(B) If modifications to the public water system change the system's classification to a higher level, the chief operator shall *[be required to]* obtain the higher level certificate by examination.

(F) Contract Operator Agreement.

1. Public water systems employing a certified chief operator through a contract operator ("circuit rider") arrangement to meet the requirements in subsection (4)(A) shall have a written agreement indicating the responsibilities of the operator, including but not necessarily limited to:

A. The minimum frequency of routine visits to the [water] treatment facility or distribution system;

B. The operator's duties and responsibilities;

C. The minimum hours the operator will be present for each routine visit;

D. The certification level required by the department for the treatment facility and/or distribution system that the operator is responsible for;

E. The level of certification held by the contract operator;

F. The minimum response time for the operator to be at the water system in the event of an emergency; and

G. The number of employees, if any, hired to assist.

2. Circuit rider operators and other contract operators who are performing the duties of chief operator shall be held accountable for

operational decisions made in their stead.

3. A copy of the current agreement shall be on file at the system at all times and shall be provided to the department upon request.

**AUTHORITY:** section 640.100, RSMo [2000] 2016. Original rule filed July 11, 1986, effective Jan. 1, 1987. Amended: Filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed Nov. 15, 2000, effective Aug. 1, 2001. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018, at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 14—Operator Certification**

**PROPOSED AMENDMENT**

**10 CSR 60-14.020 Certification of Public Water System Operators.** The department is amending (1)(K) by removing paragraphs 1., 2., and 3., removing and adding language from (4)(A), removing (4)(B), adding and removing language to (7)(E), adding language to (8)(D) and (8)(H), and removing (J)(K).

**PURPOSE:** The amendment revises the requirements for obtaining and renewing a water system treatment or distribution operator certificate, including experience, education, application and examination requirements. The appeals procedures for denial, suspension and revocation of an operator's certificate is being amended to match Section 621.250, RSMo.

**(1) Training and Experience Required for Certification.**

(C) In order to be eligible for a certificate, the applicant must have accumulated actual or equivalent operational experience and in accordance with Tables 1 and 2.

**Table 1. Experience Requirements for a Water Treatment Certificate.**

Certificate Level	Minimum Actual and Equivalent Experience
A	Five and one-half (5 1/2) years of water treatment facility operating experience (of which two (2) years may be equivalent)
B	Three and one-half (3 1/2) years of water treatment facility operating experience (of which one (1) year may be equivalent)
C	One and one-half (1 1/2) year of water treatment facility operating experience (of which one (1) year may be equivalent)
D	Six (6) months of water treatment facility operating experience (which may be equivalent)

**Table 2. Experience Requirements for a Distribution Certificate.**

Certificate Level	Minimum Actual and Equivalent Experience [Requirements]
DS-III	Three (3) years of water distribution system operating experience (of which one (1) year may be equivalent)
DS-II	One (1) year of water distribution system operating experience (of which six (6) months may be equivalent)
DS-I	Six (6) months of distribution system operating experience (which may be equivalent)

(D) Years of equivalent experience shall be computed from the criteria in Table 3.

1.	Graduation from an approved one (1) year certificate program in water/wastewater technology	1 year equivalent experience
2.	College level course in related field of chemical/biological/ environmental or allied science or public health (grade C or better)	1 month equivalent experience per three (3) semester hours (maximum of 6 months of credit)
3.	Two (2)-year associate degree in related field (chemical/biological/environmental or allied science or public health)	1 1/2 years equivalent experience
4.	Four (4)-year degree or higher in related field (chemical/biological/environmental /allied science /or allied sciences or public health, or civil, mechanical, electrical or related engineering degree)	2 years equivalent experience
5.	Department-approved water treatment training course of at least forty-five (45) contact hours (4.5 CEUs)	1/2 year equivalent treatment facility experience per course (maximum credit of 1 1/2 years) (For multi-day courses, attendance of at least eighty percent (80%) of the course hours is required to receive credit.)
6.	Department-approved water distribution system-training course of at least thirty-five (35) contact hours (3.5 CEUs)	1/2 year equivalent distribution system experience per course (maximum credit of 1 year) (For multi-day courses, attendance of at least eighty percent (80%) of the course hours is required to receive credit.)
7.	Successful completion of a department-approved correspondence course of at least forty-five (45) contact hours (4.5 CEUs)	1/2 year equivalent experience per course towards the appropriate type of certificate (maximum credit of 1 1/2 years)

(K) Upon successful completion of the examination, the individual will have to obtain the necessary applicable [water] treatment or distribution system experience within [the following time frames to be considered for certification:

1. For all levels of examinations taken on or after August 1, 2001, examinees shall have/ eighteen (18) months from the date of the examination/;].

[2. For A and B level examinations taken prior to August 1, 2001, examinees shall have two (2) years from the date of the examination; and

3. For C and D level examinations taken prior to August 1, 2001, examinees shall have one (1) year from the date of the examination.]

(L) If the necessary experience is not obtained within [these] this time frame/s], the individual must reapply and reexamine.

**(2) Application for Certification Examination.**

(A) Application for certification examination shall be made to the department on forms provided by the department.

1. The completed application must be [received by] submitted to the department at least thirty (30) days prior to the examination date.

2. Failure to provide complete working experience information or academic transcripts with the application will result in no operating experience or education credit given for the incomplete items.

## (3) Examination.

(E) Based on the subjects an operator needs to know for a particular type and level of certification, examinations shall contain, but *[shall]* not *[necessarily]* be limited to, questions pertaining to: the Missouri Public Drinking Water rules; general water systems knowledge; water quality; applied mathematics; chemistry; biology; environmental sciences; laboratory testing procedures; hydraulics; pumping systems; water storage facilities; system controls; backflow prevention; and water treatment or distribution system operation.

## (4) Certification Without Examination (Grandparenting).

(A) Grandparenting *[is]* was permitted only to operators in responsible charge of systems that *[have]* had not been required by the department to have a certified operator prior to August 1, 2001 and submitted an application for a grandparented certificate to the department prior to February 5, 2003. This includes operators in responsible charge of the distribution system whose responsibilities are separate from those of the operator in responsible charge of the treatment system.

*[(B) Certificates in appropriate classification type and level shall be issued without examination to no more than three (3) operators in responsible charge when the following conditions are met:*

1. The owner of the public water system attests that the individual has been an operator in responsible charge making process control/system integrity decisions for at least one (1) year prior to the date of the application for grandparenting;

2. An application is submitted by February 5, 2003 on forms provided by the department for each operator in responsible charge being grandparented. Each application shall be signed and dated by the owner and the individual designated for grandparenting; and

3. A nonrefundable operator's certificate fee of forty-five dollars (\$45) is submitted for each certificate request.]

(C) A grandparented certificate *[will be]* is valid only for the operator named on the certificate and only at the water treatment facility or distribution system named on the certificate. Any certificate issued under this provision shall be identified as restricted.

## (7) Denial, Suspension or Revocation of Certificate.

(E) *[The operator shall be afforded a hearing before the department provided that a written request for a hearing is received by the department within thirty (30) days of notification that suspension or revocation proceedings have been initiated. The hearing shall be conducted by the director or a hearing officer designated by the director and shall be conducted in accordance with the procedures set forth in sections 536.070, 536.073, 536.077, 536.080 and 536.090, RSMo.] Any applicant whose certification is denied, suspended, or revoked may appeal to the Administrative Hearing Commission as provided in section 621.250, RSMo.*

## (8) Certificate Renewal.

(D) The department will send a renewal notice to the applicant's last known address at least sixty (60) days prior to the expiration of the certificate. Failure of the department to notify the certified operator of the certificate's pending expiration does not relieve the certified operator of the responsibility for renewing the certificate. **An individual is not certified with an expired certificate.**

(G) A late fee of ten dollars (\$10) per month *[or fraction of it]*, up to a total of twenty dollars (\$20), shall be charged for any certificate renewed after the expiration date.

(H) If *[a certified operator has submitted]* the department has received a timely and complete application for renewal, the individual possesses sufficient renewal training and, through no personal fault, the department is unable to issue a new certificate before

the expiration date of the current certificate, the current certificate shall remain valid until the department issues its replacement or denies renewal.

*[(J) Individuals certified prior to August 1, 2001 may count their approved water treatment training hours toward the first renewal of their distribution certificate issued under 10 CSR 60-14.010(3)(B)2.]*

*[(K) The first time an operator renews a distribution certificate issued under 10 CSR 60-14.010(3)(B)2. the operator may elect to receive a distribution certificate of a lower level if the lower certification level is, at a minimum, equal to the classification of the distribution system they operate.]*

**AUTHORITY:** section 640.100, RSMo [2000] 2016. Original rule filed July 11, 1986, effective Jan. 1, 1987. Rescinded and readopted: Filed July 15, 1991, effective March 1, 1992. Amended: Filed Nov. 15, 2000, effective Aug. 1, 2001. Amended: Filed June 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on August 23, 2018, at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on August 16, 2018, at the Department of Natural Resources, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 80—Solid Waste Management

### Chapter 6—Local Solid Waste Management

## PROPOSED RESCISSION

**10 CSR 80-6.010 Local Solid Waste Management.** This rule described the requirements for the submittal of a solid waste management plan for cities and counties. It clarified the department's requirements for solid waste plans for cities and counties as well as the components of the processes and criteria required to ensure adequate solid waste planning by cities and counties. This requirement is also found in section 260.220, RSMo. The requirement is an unfunded mandate that was challenged in court (*City of Jefferson v. Missouri Department of Natural Resources*, 863 S.W.2d 844 (Mo banc. 1993), and *City of Jefferson v. Missouri Department of Natural Resources*, 913 S.W. 2d 794 (Mo banc. 1996)) and found to violate the Hancock Amendment. The court states that "*absent an appropriation to cover those increases costs, Jefferson City need not comply with the mandate to submit a new plan.*" Funding has never been appropriated for this requirement.

**PURPOSE:** This rule is being rescinded because it is obsolete and an unfunded mandate.

**AUTHORITY:** sections 260.215, 260.220 and 260.225, RSMo Supp. 1987. Original rule filed Jan. 29, 1988, effective Aug. 1, 1988. Rescinded: Filed June 7, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the

aggregate.

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments will be received until August 28, 2018. A public hearing date is scheduled for 1:00 pm August 21, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 7—Infectious Waste Management**

**PROPOSED AMENDMENT**

**10 CSR 80-7.010 Infectious Waste Management.** The department is amending sections (3) and (5) of this rule.

*PURPOSE: This rule amendment is a part of Executive Order 17-03 Red Tape Reduction Initiative and removes regulatory burdens identified as unnecessary.*

(3) Tracking Documents.

(C) Processing Facility.

1. A facility shall not accept infectious waste which is not accompanied by a tracking document completed in accordance with subsections (3)(A) and (B) of this rule.

2. Upon receipt of infectious waste, an authorized agent of the facility shall—

A. Sign and date the accompanying tracking document. The name of the authorized agent signing the document shall be printed or typed on the tracking document; and

B. Note any significant discrepancies in the tracking document on each copy of the document.

*[3. An authorized agent of the infectious waste processing facility shall note on each tracking document whether the location of the generator is a distance of more than a three hundred (300)-mile radius of the facility.]*

*[4.]3. An infectious waste processing facility permitted for the treatment of infectious waste shall record on the tracking document the date the shipment is treated.*

*[5.]4. An infectious waste processing facility permitted as an infectious waste transfer station shall record on the tracking document the date the shipment is transported for further processing.*

*[6.]5. Within thirty-five (35) days after the date the waste was accepted by the transporter, the processing facility shall send a copy of the completed tracking document to the generator.*

*[7.]6. A transfer station shall initiate a tracking document as generator prior to transporting infectious waste shipments for further processing and shall comply with the generator requirements of this rule.*

(5) Permitted Infectious Waste Processing Facility. This section sets forth requirements for solid waste processing facilities permitted for the treatment or other processing of infectious waste. A report shall be submitted to the department containing plans, as defined in 10 CSR 80-2.010, addressing the requirements of sections 260.200–260.345, RSMo and 10 CSR 80.

(A) Treatment Facility. An infectious waste processing facility permitted for the treatment of infectious waste means a facility that has received a solid waste processing facility permit as provided in sections 260.200–260.345, RSMo and 10 CSR 80-2.020, 10 CSR 80-

5.010, and this rule. The solid waste processing facility construction and operating permit shall specifically allow for the treatment of infectious waste as provided by this rule. Two (2) treatment technologies are approved for the treatment of infectious waste by permitted facilities—incineration and steam sterilization. Chemical sterilization and other types of treatment may be approved by the department on a case-by-case basis.

1. Permitted infectious waste incinerators shall be multi-chambered and be designed to provide complete combustion for the type of waste introduced into the incinerator. The incinerator shall achieve a minimum temperature of one thousand eight hundred degrees Fahrenheit (1800 °F) in the secondary chamber with a minimum retention time of one-half (1/2) second in the secondary chamber. Automatic controls that lock out the load system if the secondary chamber is not up to the minimum temperature and automatic, continuous temperature recording charts for the secondary chamber shall be equipped on the incinerator and utilized during any infectious waste treatment process.

A. The operator shall visually inspect each batch of ash from batch-type ash removal systems prior to disposal. The operator shall visually inspect the ash from continuous ash removal systems a minimum of once per hour during operation.

B. Any partially combusted organic materials observed will be noted in the facility log. The facility manager shall be notified and corrective action taken. The corrective action and new ash observations shall be noted in the facility log.

C. Amount of waste treated each hour shall be recorded in the facility log by weight.

D. The plans shall include a statement quantifying the maximum amount, by weight, of infectious waste to be accepted each month.

E. The plans shall contain procedures for the handling of spills during unloading, storage, and processing of the infectious waste.

**F. The plans shall contain procedures for the handling of spills during unloading, storage, and processing of the infectious waste, and the plan will be implemented immediately upon discovery of any spill.**

*[F.]G. A solid waste technician trained in the handling of infectious waste and in the operation of the incinerator shall be on-site during any treatment process. Evidence of training shall be maintained on-site. The plans shall contain an outline of the training, including the name and qualifications of the person(s) providing the training.*

2. Steam sterilization by permitted facilities using autoclaves is an acceptable means of treating infectious waste when operated at sufficient temperatures for adequate periods of time to kill infectious agents present in the waste. Automatic continuous time and temperature recording charts shall be utilized on each unit during operation. Units shall be operated according to manufacturer's recommendations.

A. During initial operational testing, four (4) waste charges representing the maximum amount of waste to be processed in any charge shall be treated. Each charge shall contain all types of waste that are to be treated at the facility and shall be packaged as the waste will be packaged for treatment during normal operations. For each of the four (4) waste charges, three (3) biological indicators approved by the department (such as three (3) vials of *Bacillus stearothermophilus*), shall be placed inside separate containers of simulated waste (that is, sharps containers, autoclaveable bags), distributed throughout the waste charge prior to treatment, recovered after treatment, cultured, and analyzed. Any positive reading constitutes a failure of the treatment process and shall require corrective action and retesting in accordance with this subparagraph.

B. Each sterilizer shall be tested each week by placing one (1) department-approved biological indicator inside a waste container prior to treatment. The biological indicator shall be recovered, cultured, and analyzed. A positive indicator constitutes a failure of the

treatment process. The sterilizer shall not be used to treat infectious waste until corrective action has been taken and results verified. Upon completion of corrective action, the sterilizer shall be retested in accordance with subparagraph (5)(A)2.A. of this rule. Results of biological indicator tests and any corrective action shall be recorded in the facility log.

C. Amounts of waste treated each load shall be recorded in the facility log by weight.

D. Sharps that were treated by steam sterilization shall be packaged in rigid, leak-resistant, and puncture-resistant containers and sealed prior to disposal.

E. Sharps that have been rendered innocuous by an approved method and that have been shredded so as not to pose a puncture hazard are not required to be transported, packaged, or stored in rigid, semi-rigid, leak-resistant, or puncture-resistant containers. Such sharps may be disposed of in a sanitary landfill as a solid waste.

F. The plans shall include a statement quantifying the maximum amount, by weight, of infectious waste to be accepted each month.

G. The plans shall contain procedures for the handling of spills during unloading, storage and processing of the infectious waste, **and the plan will be implemented immediately upon discovery of any spill.**

H. A solid waste technician trained in the handling of infectious waste and in the operation of the steam sterilizer shall be on-site during any treatment process. Evidence of training shall be maintained on-site. The plans shall contain an outline of the training, including the name and qualifications of the person(s) providing the training.

(B) Transfer Stations. To facilitate consolidation of shipments prior to further transport, infectious waste may be transported to a transfer station as defined in 10 CSR 80-2.010. A solid waste processing facility permitted as a transfer station for infectious waste means a facility that has received a solid waste processing facility construction and operating permit as provided in sections 260.200–260.345, RSMo and 10 CSR 80-2.020, 10 CSR 80-5.010, and this rule. The solid waste processing facility construction and operating permit shall specifically allow for the acceptance of infectious waste.

(C) Storage. *[In addition to the requirements of 10 CSR 80-5.010, i] Infectious waste at infectious waste processing facilities shall [upon receipt] be placed in a storage area or processing area as approved by the department in the operational report and plans. [Where conflicting storage requirements exist in 10 CSR 80, the more stringent shall control.]*

1. Processing area. Infectious waste at an infectious waste processing facility may be placed into the processing area provided the facility is operational and no infectious waste shall be stored in the processing area at the end of the operating day. For those facilities operating continuously, no infectious waste shall be *[stored]* **kept** in the processing area for more than twenty-four (24) hours.

A. The plans shall contain procedures for the handling of spills in the processing area.

B. The processing area shall have a floor *[impervious to liquids and a floor]* sloped to drains connected to the sanitary sewage system or a collection device.

C. The processing area shall be clearly posted INFECTIOUS WASTE PROCESSING AREA, or BIOHAZARD WASTE PROCESSING AREA, or BIOHAZARD, AUTHORIZED PERSONNEL ONLY and shall display the universal biohazard symbol. Access shall be restricted and limited to authorized personnel.

2. Storage area. Infectious waste at an infectious waste processing facility may be placed into a storage area approved by the department provided the storage area meets the following minimum requirements:

A. For a storage area where infectious waste will be stored for 24 hours or less, the storage area shall be a locked, vermin-free, dry area *[that shall]*, **and not be used for any other purpose;**

**B. For a storage area where infectious waste will be stored**

**for more than twenty-four (24) hours, but no more than seventy-two (72) hours, the storage area shall be a refrigerated, locked, vermin-free, dry area, and not be used for any other purpose;**

*[B./C.]* The plans shall contain procedures for the handling of spills in any storage areas;

*[C./D.]* The storage area shall have a floor *[impervious to liquids]* with a perimeter curb. The floor shall slope to a drain connected to the sanitary sewage system or a collection device. The *[floor and]* perimeter curb shall be capable of containing potential spills and shall be designed to facilitate cleaning of the storage area; and

*[D./E.]* The storage area shall be clearly posted INFECTIOUS WASTE STORAGE AREA, or BIOHAZARD WASTE STORAGE AREA, or BIOHAZARD, AUTHORIZED PERSONNEL ONLY and shall display the universal biohazard symbol. Access shall be restricted and limited to authorized personnel.

(D) Fees. Any person who transports infectious waste to a permitted infectious waste processing facility shall pay a fee on any infectious waste so delivered as provided in sections 260.200–260.345, RSMo. A person generating one hundred kilograms (100 kg) or less of infectious waste per month and hospitals as defined in section 197.020, RSMo and located in Missouri are exempt from the fees requirement of this rule provided the infectious waste is transported using the generator's employees and vehicles.

1. An infectious waste processing facility shall collect a fee of two dollars per ton (\$2/ton) of infectious waste delivered to the facility.

*[2. In addition to the requirements of paragraph (5)(D)1. of this rule, an infectious waste processing facility accepting infectious waste transported from a distance of more than a three hundred (300)-mile radius of the facility shall collect a fee of ten percent (10%) of the total dollar amount charged by the facility for the management of that waste.]*

*[3./2.]* Fees assessed by an infectious waste processing facility as provided in sections 260.200–260.345, RSMo shall be transmitted quarterly to the department within thirty (30) days of the end of each calendar quarter. A quarterly report shall be submitted with the fees.

A. The quarterly report shall specify the quantity of infectious waste received during that calendar quarter that was subject to fees. *[The report shall include a breakdown of the quantity of infectious waste, by weight, transported more than a distance of a three hundred (300)-mile radius of the facility and the quantity of infectious waste, by weight, transported from a radius of three hundred (300) miles or less from the facility.]*

*[B.]* The quarterly report shall specify the total dollar amount charged by the facility during the calendar quarter for infectious waste transported from a distance of more than a three hundred (300)-mile radius of the facility.]

*[C./B.]* An authorized representative of the facility shall sign and date the report and certify that the submitted information is true, accurate, and complete for the quarterly accounting of infectious waste delivered to the facility and subject to fees.

**AUTHORITY:** sections 260.203[, RSMo 1994] and 260.225, RSMo [Supp. 1997] **2016.** Original rule filed Oct. 15, 1987, effective March 25, 1988. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 7, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition

to this proposed amendment with the Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments will be received until August 28, 2018. A public hearing date is scheduled for 1:00 pm August 21, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 80—Solid Waste Management**  
**Chapter 8—Scrap Tires**

**PROPOSED AMENDMENT**

**10 CSR 80-8.020 Scrap Tire Collection Centers and End-User Registration.** The department is amending the rule title, purpose, sections (2), (4), (5), and subsections (1)(D), (3)(A), (3)(B), and (3)(C).

**PURPOSE:** *This rule is being amended to update the requirements for scrap tire collection centers and end-user registration.*

**PURPOSE:** *This rule contains the requirements for scrap tire collection centers and end-user registration.*

(1) Definitions. Definitions for key words used in this rule may be found in section 260.200, RSMo. Additional definitions specific to this rule are as follows:

**(D) A scrap tire that has been reduced to parts no larger than one-half inch (1/2") nominal is not a scrap tire.**

(2) General Requirements. **Scrap tire collection centers shall—**

(A) *[Scrap tire collection centers shall b/Be used only for the proper and temporary storage of scrap tires/. Scrap tires shall,] to be removed for recovery or processing or for temporary storage at a permitted scrap tire processing facility or for permanent disposal at a permitted solid waste disposal area/.];*

(B) *[The collection center must b/Be in compliance with the requirements of the department's Clean Water Law, Chapter 644, RSMo, and implementing regulations/.]; and*

(C) *[All] As a tire retailer/s/ or other business/es/ that generates scrap tires, [shall] use a scrap tire hauler permitted by the state of Missouri, except that businesses may haul such scrap tires without a permit, if such hauling is performed without any consideration (monetary or non-monetary compensation) and such business maintains records on the scrap tires hauled as required by section (5) of this rule.*

*[(D) Tire retailers shall not be liable for illegal disposal of scrap tires after such scrap tires are delivered to a scrap tire hauler, scrap tire collection center, scrap tire processing facility or scrap tire end-user facility if such entity is permitted by the state of Missouri.]*

(3) Applicability.

(A) Exemptions. The following are not regulated as scrap tire collection centers provided that pollution, a public nuisance, or a health hazard is not created and provided the tires are stored according to the requirements of section (4) of this rule:

1. A person collecting or storing less than twenty-five (25) scrap tires at any time;

2. Warranty tires or new defective tires stored by tire retailers and wholesalers prior to transit to the wholesaler or manufacturer for adjustment credit or return;

3. Tires that are to be reused without further processing as vehicle tires (reused for the original intended purpose) that are separated from scrap tires within thirty (30) days of receipt at a scrap tire collection center, provided these tires are stored in compliance with the requirements of section (4) of this rule and are not stored outside for more than one (1) year;

4. Any new-tire retailer or new-tire wholesaler may hold more than five hundred (500) scrap tires for a period not to exceed thirty (30) days if such tires are stored according to requirements in section (4) of this rule;

5. Any person licensed as an auto dismantler and salvage dealer under Chapter 301, RSMo may~~[/, without further license, permit or payment of fee,]~~ store ~~[but shall not burn or bury on his/her property,]~~ up to five hundred (500) scrap tires that have been cut, chipped or shredded, if such tires are only from vehicles acquired by him/her~~[/, and such tires are stored in accordance with section (4) of this rule]~~. Auto dismantlers and salvage dealers must arrange for the proper disposal of the scrap tires to take place within thirty (30) days~~[/, appropriate]~~ and keep appropriate documentation of the disposal arrangements **which** shall be made available to the department upon request. In no case shall more than five hundred (500) scrap tires be stored for more than thirty (30) days unless the auto dismantler and salvage dealer is permitted as a scrap tire processor;

6. Retreadable tire casings held in inventory by tire retreaders for retreading that are stored separately from other scrap tires, provided these tires are stored in compliance with section (4) of this rule and provided they are not stored outside for more than one (1) year; or

7. Tires stored in conjunction with a department-approved or nonprofit cleanup if the scrap tires are stored for a period not to exceed thirty (30) days are exempt from this rule.

*[(B) This rule shall pertain to whole, cut, shredded, baled or chipped scrap tires.]*

*[(C)](B)* Underground storage of scrap tires requires a permit as a solid waste disposal area and *[shall comply]* **compliance** with the requirements of 10 CSR 80.

(4) Storage Requirements.

(A) Fire Protection. A scrap tire collection center shall comply with the fire protection requirements of this subsection.

1. The owner or operator of a scrap tire collection center shall provide written evidence from the local fire protection agency that indoor or outdoor storage of whole or processed scrap tires complies with the currently applicable local or state fire protection standards, or *[the scrap tire collection center must comply with the 2006 International Fire Code, published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL, 60478-5795, copyright 2006, which by this reference is incorporated into this rule. This rule does not incorporate any subsequent amendments or additions]* **store scrap tires at least forty feet (40') from buildings and property lines where practical.**

*[(B) Location. Scrap tire collection centers shall not be located in a wetland, sinkhole or floodplain (unless protected against at least the one hundred (100)-year flood design by impervious dikes or other appropriate means to prevent the flood waters from contacting the scrap tires).]*

*[(C)](B)* Vector Control. Conditions shall be maintained that are unfavorable for the harboring, feeding and breeding of vectors. If the method being used to control vectors is not effective, the owner/operator of the scrap tire collection center shall use an alternate method to correct the vector problem. *[The owner/operator of a scrap tire collection center storing tires shall use one (1) or more of the following methods of vector control:]*

*[1. Drain tires of water and keep them dry within a building, enclosed trailer or under a cover that is impermeable.*

*2. Alter tires so they do not retain water;*

*3. Treat the tires with a larvicide and/or adulticide appropriate to prevent the development of mosquito larvae and pupae and repeat treatment as often as necessary to prevent this development, taking into account the effectiveness and life of the larvicide and/or adulticide utilized;*



A. Larvicides and/or adulticides shall be applied in accordance with their labels, Chapter 281, RSMo and its implementing regulations.

B. The dimensions of the tire pile and the method of stacking the tires must allow for application of the larvicide and/or adulticide to all tires; and

4. Alternate methods of vector control must be approved by the department.]

(5) Record Keeping Requirements.

(A) The owner/operator of a scrap tire collection center shall maintain records, on forms provided by or approved by the department[, as required by this rule. All records required by this rule shall be kept] for at least three (3) years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request. Scrap tire collection centers shall also maintain records of vector control activities.

(B) The owner/operator of a scrap tire end-use facility shall maintain records pursuant to 260.270.3(5).

*AUTHORITY: sections 260.225 [RSMo 2000] and 260.270, RSMo [Supp. 2006] 2016. Original rule filed Jan. 3, 1991, effective July 8, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed June 7, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments will be received until August 28, 2018. A public hearing date is scheduled for 1:00 pm August 21, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 8—Scrap Tires**

**PROPOSED AMENDMENT**

**10 CSR 80-8.030 Scrap Tire Hauler Permits.** The department is amending sections (1), (2), and (3).

*PURPOSE: The rule is necessary as to maintain consistency with permitted facilities and promote a level playing field for all facilities. The rule will also ensure protection of human health and the environment. The overall reduction in wording is to streamline the rule.*

*PURPOSE: This rule sets forth requirements for obtaining a permit as a scrap tire hauler.*

(1) Applicability.

(A) Definitions. Definitions for key words used in this rule may be found in section 260.200, RSMo. Additional definitions specific to this rule are as follows:] and 10 CSR 80-8.020(1).

[1. A scrap tire is a tire that is no longer suitable for its original intended purpose because of wear, damage or

defect.

A. A tire no longer suitable for its original intended purpose due to wear is a tire with exposed cord or tread depth less than two thirty-seconds of an inch (2/32") when measured in any major groove.

B. Any tire that is discarded with the intent of final disposal is also a scrap tire.

C. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a scrap tire cut in half circumferentially; sidewalls removed from tread; or cut into at least three (3) parts with no part being larger than approximately one-third (1/3) of the original tire's size.

D. A shredded or chipped tire, for the purposes of disposal in a permitted solid waste disposal area, is a scrap tire that has been reduced to parts no larger than that defined in the definition of a cut tire.

E. A passenger tire equivalent (PTE), for the purposes of calculating the amount of tires, equals twenty (20) pounds.]

(2) Scrap Tire Hauler Permit Requirements.

(A) Permit Application. A person applying for a scrap tire hauler permit shall submit the following information to the Missouri Department of Transportation, Motor Carrier Service, PO Box 893, Jefferson City, MO 65102-0893. [This information must be submitted at least thirty (30) days prior to expiration of the permit.]

1. A completed application form provided by the Missouri Department of Transportation.

2. Other information deemed necessary by the Missouri Department of Natural Resources and the Missouri Department of Transportation to ascertain compliance with sections 260.200 through 260.345, RSMo and implementing rules.

3. A nonreturnable scrap tire hauler permit fee in the amount of one hundred dollars (\$100) shall be submitted with the completed application form. The fee shall and be in the form of a check or money order made payable to the Department of Natural Resources.

(B) Application Review, Approval, and Denial. The Missouri Department of Natural Resources and the Missouri Department of Transportation [shall] will review applications submitted under this rule. The Missouri Department of Transportation shall approve the application and issue a permit or [shall] deny the application.

(C) Permit Issuance, Suspension and Revocation. A scrap tire hauler permit issued pursuant to this rule [shall remain] is valid for a period of one (1) year unless suspended or revoked by the Missouri Department of Transportation. A scrap tire hauler permit may be revoked or suspended for noncompliance with the provisions of sections 260.200 through 260.345, RSMo or corresponding rules.

[(D) A person who has, within the preceding twenty-four (24) months, been found guilty or pleaded guilty to a violation of section 260.270, RSMo which involves the transport of scrap tires may not be granted a permit to transport scrap tires unless the person seeking the permit has provided to the Missouri Department of Natural Resources, Scrap Tire Unit and to the Missouri Department of Transportation, Motor Carrier Service a performance bond or letter of credit as provided under this subsection.

1. The bond or letter shall be conditioned upon faithful compliance with the terms and conditions of the permit and section 260.270, RSMo and shall be in the amount of ten thousand (\$10,000) dollars.

2. Such performance bond, placed on file with the Department of Natural Resources, shall be in one (1) of the following forms:

A. A performance bond, payable to the Department of Natural Resources and issued by an institution authorized to issue such bonds in this state; or

B. An irrevocable letter of credit issued in favor of and

*payable to the Department of Natural Resources from a commercial bank or savings and loan having an office in the state of Missouri.*

3. Upon determination by the Department of Natural Resources that a person has violated the terms and conditions of the permit or section 260.270, RSMo, the Department of Natural Resources shall notify the person that the bond or letter of credit shall be forfeited and the moneys placed in an appropriate subaccount of the Solid Waste Management Fund, created under section 260.330, RSMo for remedial action.

4. The Department of Natural Resources shall expend whatever portion of the bond or letter of credit necessary to conduct resource recovery or nuisance abatement activities to alleviate any condition resulting from a violation of section 260.270, RSMo or the terms and conditions of a permit.

5. The requirement for a person to provide a performance bond or a letter of credit under this rule shall cease for that person after two (2) consecutive years in which the person has not been found guilty or pleaded guilty to a violation of section 260.270, RSMo.]

(3) Operating Requirements.

(A) Record Keeping.

1. During periods when a vehicle contains scrap tires, a scrap tire hauler shall maintain the current permit inside in the vehicle.

2. Record Keeping Requirements. A scrap tire hauler shall maintain tracking and summary reports [as required by the Department of Natural Resources] on forms provided by or approved by the Department [of Natural Resources or on similar forms or in a similar format that has been preapproved by the Department of Natural Resources]. The tracking report(s) shall be filled out for each load delivered to an approved destination and [shall] include all applicable collection and receiver data. The reports shall be [submitted] made available to the Department of Natural Resources[, Solid Waste Management Program, PO Box 176, Jefferson City, MO 65102 by the fifteenth of each month after the date the tires were delivered to their destination] upon request or at the time of an inspection.

3. All records [required by this rule] shall be kept for at least three (3) years. The period of record retention extends upon the written request of the Department of Natural Resources or automatically during the course of any unresolved enforcement action regarding the regulated activity. [The records shall be made available for inspection by the Department of Natural Resources or its designated representative upon request.]

(B) Destination. A permitted scrap tire hauler shall transport scrap tires to—

[1. A registered scrap tire end user provided that the end user is in compliance with all applicable state and federal laws and regulations;]

[2.]1. A solid waste disposal area or transfer station permitted by the Department of Natural Resources;

[3.]2. A solid waste processing or scrap tire processing facility permitted by the Department of Natural Resources;

[4.]3. A scrap tire collection center;

[5.]4. A permit-exempt facility, provided the scrap tires are stored and/or processed in compliance with 10 CSR 80-8.050(5); or

[6.]5. Out-of-state (provided that transport and the final destinations are in compliance with the requirements of that state).

(C) [Mixed Loads.No tires shall be transported with other material on one vehicle if it could result in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas or in violation of any applicable federal, state or local law or regulation.] Scrap tires sorted from used tires shall not be stored in excess of seven (7) consecutive days.

(D) [Any person permitted as a s]Scrap tire haulers shall notify the Missouri Department of Natural Resources, Scrap Tire Unit

and Missouri Department of Transportation, Motor Carrier Service within thirty (30) days of any change of address, phone number, type and number of vehicles, or destination of tires hauled. [Registered or certified mail sent to a permitted scrap tire hauler with proper postage and last known address that is returned unclaimed shall be considered adequate notification of notice served. Refusal to accept mail is a violation of these regulations.]

AUTHORITY: sections 260.225, [RSMo 2000] 260.270, and 260.278, RSMo Supp. [2006] 2016. Original rule filed Jan. 3, 1991, effective July 8, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed June 7, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments will be received until August 28, 2018. A public hearing date is scheduled for 1:00 pm August 21, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 8—Scrap Tires**

**PROPOSED AMENDMENT**

**10 CSR 80-8.050 Scrap Tire Processing [Facility] Permits.** The department is amending the rule title, sections (1) and (6), and subsections (2)(A), (3)(C), (4)(A), (4)(B), (4)(C), (5)(A), (5)(D), (5)(E), (5)(F), (7)(B), and (7)(C).

PURPOSE: The rule is necessary as to maintain consistency with permitted facilities and promote a level playing field for all facilities. The rule will also ensure protection of human health and the environment. The overall reduction in wording is to streamline the rule.

PURPOSE: This rule contains the requirements for scrap tire processing facility permits.

(1) Definitions. Definitions for key words used in this rule may be found in section 260.200, RSMo and 10 CSR 80-8.020. Additional definitions specific to this rule are as follows:

[(A) A scrap tire is a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

1. A tire no longer suitable for its original intended purpose due to wear is a tire with exposed cord or tread depth less than two thirty-seconds of an inch (2/32") when measured in any major groove.

2. Any tire that is discarded with the intent of final disposal is also a scrap tire.

3. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a scrap tire cut in half circumferentially; sidewalls removed from tread; or cut into at least three (3) parts with no part being larger than approximately one-third (1/3) of the original tire's size.

4. A shredded or chipped tire, for the purposes of disposal in a permitted solid waste disposal area, is a scrap tire that has been reduced to parts no larger than that defined in

the definition of a cut tire.

(B) For purposes of this rule, a scrap tire that has been reduced to parts no larger than one-half inch (1/2") nominal is not a scrap tire.

(C) A passenger tire equivalent (PTE), for the purposes of calculating the amount of tires, equals twenty (20) pounds.]

[(D)](A) A scrap tire processing facility is a site where tires are reduced in volume by shredding, cutting, buffing, chipping, baling, or otherwise altered to facilitate recycling, resource recovery, or disposal. A person who operates mobile or stationary scrap tire processing equipment is a scrap tire processing facility under this rule[.];

[(E)](B) A scrap tire site is a site at which five hundred (500) or more scrap tires are accumulated. No new scrap tire sites shall be permitted by the department after August 28, 1997, unless they are located at permitted scrap tire [processing] facilities [or registered scrap tire end-user facilities.]; and

[(F)](C) A mobile scrap tire processor is a scrap tire processing operation that provides scrap tire removal services for the abatement of scrap tire sites, or for scrap tire collection centers by operating mobile scrap tire processing equipment at remote locations, and that does not store whole or processed scrap tires at any location at any time.

## (2) General Requirements.

(A) This rule is intended to provide minimum requirements for operation of a scrap tire processing facility and a mobile scrap tire processor. If techniques other than those listed in this rule are to be used, it is the obligation of the owner/operator to demonstrate to the department in advance that the techniques to be employed satisfy the requirements. Detailed processing facility and operational plans [for the techniques] shall be submitted to the department in writing and approved by the department in writing prior to being employed. The techniques utilized shall not result in pollution, a public nuisance, or a health hazard.

## (3) Applicability.

[(C) All scrap tire sites must be permitted as a scrap tire processing facilities under 10 CSR 80-8.050.]

## (4) Scrap Tire Processing Facility Permit Application.

(A) A person desiring to establish, maintain, or operate a scrap tire processing facility shall [make] submit an application to the department in triplicate **hardcopies or one (1) electronic** on forms provided by the department. Scrap tire processing facilities, as defined in section 260.200(38), RSMo and this rule, are not authorized to operate unless permitted by the department.

(B) An application for a scrap tire processing facility permit shall be sent [by certified mail] to the Missouri Department of Natural Resources, Solid Waste Management Program, PO Box 176, Jefferson City, MO 65102-0176. The application shall consist of:

1. A completed Scrap Tire Processing Facility Permit Application form which will be provided by the department;

2. Detailed site plans and operational plans containing the information necessary to comply with the storage and record keeping requirements of this rule[.Plans shall include], **including**:

A. An estimate of the inventory of scrap tires that can be processed or used in six (6) months of normal and continuous operation. This estimate shall be based on the volume of tires processed or used by the facility in the last year, or the manufacturer's estimated capacity of the processing equipment. This estimate may be increased when new equipment is obtained by the owner of the facility and may be reduced if equipment used previously is removed from active use[.];

[Active use will be determined on a case-by-case basis and will be based on the provisions of the permit;]

B. Topographic and boundary surveys prepared by a registered land surveyor showing contour intervals of ten feet (10') or less[. This survey shall], having a scale of not less than one inch

equals four hundred feet (1"=400')[.], and including [A]all existing and proposed storage areas and structures [shall be shown on the survey];

C. A map showing the land use and zoning within five hundred feet (500') of the property boundaries, including the location of all residences, buildings, utilities, and easements[. This map shall have] and having a scale of not less than one inch equals four hundred feet (1"= 400'); and

D. Detailed plans containing the information necessary to comply with the closure requirements and financial assurance instrument requirements of this rule;

3. A contingency plan designed to minimize the hazards to human health and the environment from fires, runoff of contaminants resulting from fires and from mosquitoes in case of failure of the primary method of vector control. The contingency plan shall include, but not be limited to, the following items, as applicable:

A. The actions site personnel [must] take in response to fires, runoff resulting from fires and [mosquito breeding in scrap tires] **vector control**;

B. An evacuation plan for site personnel, in case of fire; and

C. Evidence that the fire contingency plan has been provided to the local fire and police departments;

4. Plans for final disposition of the scrap tires;

5. Evidence of compliance with the department's Clean Water Law, Chapter 644, RSMo, and implementing regulations;

6. Evidence of compliance with local zoning requirements;

7. Evidence of property ownership;

8. Explicit written authorization from the property owner, if different from the applicant, for land use for scrap tire storing and processing operations; and

9. Nonreturnable processing facility permit fee of two hundred dollars (\$200). The fee shall be paid by certified check or money order made payable to the Missouri Department of Natural Resources.

(C) The applicant shall reimburse the department for all permit review costs incurred by the department up to a maximum of two thousand dollars (\$2,000). The department will submit a bill to the applicant for review costs incurred after completion of the investigation of the original application [and upon completion of the investigation of any subsequent submittals]. Payment must be received before the permit will be issued. Permit review costs [shall] include: permit application review time and costs associated with site visits.

## (5) Storage Requirements.

### (A) Fire Protection.

1. The owner or operator of a scrap tire processing facility shall provide written evidence from the local fire protection agency that indoor and outdoor storage of whole or processed scrap tires complies with the currently applicable local or state fire protection standards[, or the scrap tire processing facility must comply with the 2006 International Fire Code, published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL, 60478-5795, copyright 2006, which by this reference is incorporated into this rule. This rule does not incorporate any subsequent amendments or additions]. **Scrap tires stored outdoors must be at least forty feet (40') from buildings and property lines. Scrap tire piles shall not exceed one hundred feet (100') by fifty feet (50') by ten feet (10') high in size.**

(D) Site Control. Scrap tire processing facilities shall be fenced or enclosed or otherwise made [inaccessible. Signs shall be] **restricted and include signage** posted to prohibit unauthorized entry. [(Wording such as "Access Restricted to Authorized Haulers Only" should be used.)]

(E) Vector Control. Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors. If the method being used to control vectors is not effective, the owner/operator of the scrap tire processing facility shall use an alternative method to correct the vector problem. [The owner/operator

of a scrap tire processing facility shall use one (1) or more of the following methods of vector control:]

1. Drain tires of water and keep dry within a building, enclosed trailer or under a cover that is water impermeable. The cover shall be maintained to be water impermeable;

2. Alter tires so they do not retain water;

3. Treat the tires with a larvicide and/or adulticide appropriate to prevent the development of mosquito larvae and pupae and repeat treatment as often as necessary to prevent such development, taking into account the effectiveness and life of the larvicide and/or adulticide utilized.

A. Larvicides and/or adulticides shall be applied in accordance with their label, Chapter 281, RSMo and its implementing regulations.

B. The dimensions of the tire pile and the method of stacking the tires shall allow for application of the larvicide and/or adulticide to all tires.

4. Alternate methods of vector control must be approved by the department if documented to control larvae, pupae and adult mosquitoes.]

(F) Inventory. The inventory of unprocessed scrap tires on the premises of the facility shall not exceed the amount that can be used in six (6) months of normal and continuous operation. This amount [shall be] is based on the volume of tires used by the facility in the last year or the manufacturer's estimated capacity of the equipment used by the facility. The inventory of processed scrap tires on the premises of the facility shall not be more than twice the amount of unprocessed tires allowed by this rule.

(6) Record Keeping Requirements. The owner/operator of a scrap tire processing facility shall maintain [the records required by this rule. A]all records required by this rule [shall be kept] for at least three (3) years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request/. The records shall and include at least the following:

(A) Major operational problems, complaints, and difficulties;

(B) On forms provided by or approved by the department, the number of tires received each week, number of tires removed to final disposition each week, final disposition of removed tires, and the name and permit number, if applicable, of each scrap tire hauler bringing tires to or removing tires from the facility. This information shall be summarized monthly; and

(C) Records of Vector Control Activities. [For a scrap tire processing facility utilizing a larvicide and/or adulticide for vector control, t]The records shall include the following:

1. If the larvicide/adulticide is applied by a registered pest control company, the name of the company and the date of application; or

2. If the larvicide/adulticide is not applied by a registered pest control company, type(s) of larvicide/adulticide utilized, amount utilized, and date applied.

(7) Closure, Financial Assurance.

(B) Closure Plan Requirements.

1. Plans for closure of the scrap tire processing facility shall include methods, time schedules, and cost estimates for removal of all scrap tires and site clean-up and restoration activities. The cost estimates for the amount of the financial assurance instrument shall be based upon the current costs of similar cleanups using data from actual scrap tire cleanup project bids received by the department to remediate scrap tire sites of similar size. The following shall be performed as a part of closure of a scrap tire processing facility [and shall be included in the plans]:

A. Removal and clean-up plans and cost estimates. Scrap tires shall be removed from the site and taken to a Missouri facility that

has obtained applicable permits from the department or taken out-of-state (provided that transport and final destinations are in compliance with the requirements of that state)/. The site shall be cleaned up so as to remove/ as well as all other solid waste so as to provide a pleasing appearance;

B. Site restoration plans and cost estimates. [If necessary, r]Removal of any contaminated soil, debris, residue, and/or placement of cover and establishment of vegetation in a manner as to minimize erosion, control drainage, and provide a pleasing appearance/. For the purposes of financial assurance instruments, the cost of removal of at least fifty percent (50%) of processed scrap tire material that has been reduced to parts no larger than one-half inch (1/2") nominal];

C. The owner/operator must demonstrate in the closure plan that the estimate represents the maximum closure costs at any time during the active operation of the scrap tire site; and

D. The cost estimate(s) submitted with the closure plan shall contain an estimate in current dollars (based upon the current costs of similar cleanups using data from actual scrap tire clean-up project bids received by the department to remediate scrap tire sites of similar size) and an adjusted estimate for the succeeding five (5) years based on the projected rate of inflation. The rate of inflation used for this purpose [shall be] is calculated by using the latest percent change in the Implicit Price Deflator for the Gross Domestic Product for the latest completed year, as determined by the United States Department of Commerce, Bureau of Economic Analysis. The adjusted cost estimate shall be used to determine the amount of the financial assurance instrument/; and/.

[E. The closure cost estimates shall be adjusted every five (5) years by the owner/operator based upon the actual rate of inflation for the preceding five (5) years and the projected rate of inflation for the succeeding five (5) years. The adjusted cost estimates shall be submitted to the department for review every five (5) years after the date of permit issuance.]

2. The owner/operator of a scrap tire processing facility shall notify the department in writing at least ninety (90) days prior to the date the owner/operator expects to begin closure/. The owner/operator shall and begin implementation of the closure plan [required in this rule] within thirty (30) days after the closure date specified in the closure plan.

3. Owner/operators of a permitted scrap tire processing facility [as a part of closure of the scrap tire site,] shall execute an easement with the department, which allows the department, its agents or its contractors to enter the premises to complete work specified in the closure plan, to monitor or maintain the scrap tire site, or take remedial action. This easement will be terminated upon proper closure of the site.

4. If changes in the design and/or operation of a scrap tire processing facility make modifications in the closure plans or cost estimates necessary, modified closure plans and cost estimates shall be submitted to the department for approval prior to implementation of the changes.

(C) Financial Assurance Requirements.

1. A permit will not be issued until financial assurance instruments as required by subsection (7)(C) of this rule have been submitted and approved by the department.

A. Increasing and decreasing financial assurance instruments. The following shall apply to all financial assurance instruments as specified in paragraph (7)(C)2. of this rule except the financial test, corporate guarantee and insurance/;. When the estimated closure cost increases, the amount of the financial assurance instrument shall be adjusted to cover the increase in the cost estimate. The owner/operator shall increase the amount of the financial assurance instrument within one hundred eighty (180) days of the increase in the estimate and submit written evidence of the increase to the director or obtain other financial assurance as specified in paragraph (7)(C)2. of this rule to cover the increase. If the current closure cost

decreases and the owner/operator has received written approval from the director of this decrease, the owner/operator may decrease the amount of the closure financial assurance instrument.

B. Release of closure financial assurance instruments. The department will inspect a permitted scrap tire processing facility when notified by the owner/operator that the closure plan has been implemented. If the inspection reveals that the approved closure plan has been properly effected, the director shall authorize the release or proportional release of the financial assurance instrument submitted for closure and interest, if any.

C. Forfeiture of financial assurance instruments. If the owner/operator fails to properly implement the closure plan, the director will give written notice of the violation and order the owner/operator to implement the closure plan. If corrective measures approved by the director are not commenced within a specified and reasonable time, the director will order forfeiture of all or that part of the owner/operator's financial assurance instrument necessary to implement the closure plans. Any owner/operator aggrieved by a forfeiture order may appeal as provided in section 536.150, RSMo.

2. Financial assurance instruments. The requirements of subsection (7)(C) of this rule for financial assurance instrument(s) for closure may be satisfied by establishing a trust fund or escrow account, securing a financial guarantee bond or a performance bond, obtaining an irrevocable letter of credit, insurance, or a combination of these as outlined in [paragraph (7)(C)2. of this rule. This requirement may also be satisfied by meeting a financial test and by using a corporate guarantee. A municipality or county may satisfy the requirements by signing a contract of obligation] 10 CSR 80-2.030(4)(D).

(A. Trust fund or escrow account. The establishment of a trust fund or escrow account may be used to satisfy the requirement for a financial assurance instrument to provide for closure.

(I) A bank or other financial institution which is authorized to administer trusts in Missouri and whose trust operations are regulated and examined by Missouri or a federal agency shall act as the trustee of the closure trust fund. An escrow account shall be established at a bank or financial institution which is located in Missouri and which is examined by Missouri or a federal agency.

(II) The trust fund or escrow account shall consist of cash, certificates of deposit or United States government securities. United States government securities include treasury bills, treasury bonds and treasury notes guaranteed by the federal government.

(III) Wording of trust fund or escrow account agreements.

(a) The wording of the trust fund agreement must be identical to the wording specified in form MO 780-1272 and the trust fund agreement must be accompanied by a formal certification of acknowledgment form MO 780-1271. An original or an originally signed duplicate of the trust fund agreement shall be submitted to the department.

(b) The wording of the escrow account agreement shall be identical to the wording in form MO 780-1264. An original or an originally signed duplicate of the escrow account agreement shall be submitted to the department.

(IV) If the owner/operator establishes a trust fund or escrow account after having used one (1) or more alternate mechanisms specified in paragraph (7)(C)2. of this rule, the first payment must be in at least the amount that the trust fund or escrow account would contain if the trust fund or escrow account were established initially and annual payments made based upon the current costs of similar cleanups using data from actual scrap tire clean-up project bids received by the department to remediate scrap tire sites of similar size.

(V) If an owner/operator substitutes other financial assurance as specified in subsection (7)(C) of this rule for all or part of the trust fund or escrow account, s/he may submit a written request to the department for release of all or a portion of the amount covered by the trust fund or escrow account.

(VI) Within sixty (60) days after receiving a request from the owner/operator for release of funds as specified in part (7)(C)2.A.(V) of this rule, the director will instruct the trustee or escrow agent to release to the owner/operator those funds as the director specifies in writing.

(VII) If the owner/operator does not properly implement the closure plan and does not comply with an order by the department to do so, the department will order the forfeiture of all or part of the trust fund or escrow account as specified in subparagraph (7)(C)1.C. of this rule.

(VIII) The director will agree to termination of the trust fund or escrow account when:

(a) An owner/operator substitutes alternate financial assurance as specified in subsection (7)(C) of this rule; or

(b) The director releases the owner/operator from the requirements of subsection (7)(C) of this rule.

B. Financial guarantee bond. The requirement for a financial assurance instrument may be satisfied by securing a financial guarantee bond.

(I) The bond shall be executed by the owner/operator and a corporate surety licensed to do business in Missouri. The surety company issuing the bond, at a minimum, must be among those listed as acceptable sureties on federal bonds in Circular 570 of the United States Department of the Treasury. Corporate surety companies that issue sureties in which the penal sums (face amounts) exceed the corporation's underwriting limitation must provide proof of coinsurance, reinsurance, or provide another method of assurance in accordance with Treasury Circular 297, Revised September 1, 1978, (31 CFR sections 223.10-11).

(II) The wording of the surety bond must be identical to the wording specified in form MO 780-1265.

(III) The owner/operator who uses a surety bond to satisfy the requirements of subsection (7)(C) of this rule must also establish a standby trust fund or escrow account. Under the terms of the bond, all payments made will be deposited by the surety directly into the standby trust fund or escrow account in accordance with instructions from the director. This standby trust fund or escrow account must meet the requirements specified in subparagraph (7)(C)2.A. of this rule except that:

(a) An original or an originally signed duplicate of the standby trust fund or escrow account agreement must be submitted to the department with the surety bond; and

(b) Unless the standby trust fund or escrow account is funded pursuant to the requirements of subparagraph (7)(C)2.B. of this rule, the following are not required by these rules:

I. Payments into the trust fund or escrow account;

II. Annual valuations as required by the trust fund or escrow account agreement; and

III. Notices of nonpayment as required by the trust fund or escrow account agreement.

(IV) The bond must guarantee that the owner/operator will:

(a) Fund the standby trust fund or escrow account in an amount equal to the penal sum of the bond before the beginning of final closure of the scrap tire site;

(b) Fund the standby trust fund or escrow

account in an amount equal to the penal sum within thirty (30) days after an order to begin closure is issued by the department; or

(c) Provide alternate financial assurance as specified in subsection (7)(C) of this rule; and within ninety (90) days after receipt, by both the owner/operator and the department, of a cancellation notice of the bond from the surety, obtain the director's written approval of the provided assurance.

(V) Under the terms of the bond, the surety will become liable on the bond obligation when the owner/operator fails to perform as guaranteed by the bond.

(VI) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner/operator and to the department. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice of cancellation by both the owner/operator and the director, as evidenced by the return receipts.

(VII) The owner/operator may cancel the bond if the director has given prior written consent based on receipt of evidence of alternate financial assurance as specified in subsection (7)(C) of this rule.

C. Performance bond. The requirement for a financial assurance instrument may be satisfied by securing a performance bond guaranteeing performance of closure.

(I) The bond shall be executed by the owner/operator and a corporate surety licensed to do business in Missouri. The surety company issuing the bond, at a minimum, must be among those listed as acceptable sureties on federal bonds in Circular 570 of the United States Department of the Treasury. Corporate surety companies that issue sureties in which the penal sums (face amounts) exceed the corporation's underwriting limitation must provide proof of coinsurance, reinsurance, or provide another method of assurance in accordance with Treasury Circular 297, Revised September 1, 1978, (31 CFR sections 223.10-11).

(II) The wording of the surety bond must be identical to the wording specified in form MO 780-1266.

(III) The owner/operator who uses a surety bond to satisfy the requirements of subsection (7)(C) of this rule must also establish a standby trust fund or escrow account. Under the terms of the bond, all payments made will be deposited by the surety directly into the standby trust fund or escrow account in accordance with instructions from the director. This standby trust fund or escrow account must meet the requirements specified in subparagraph (7)(C)2.A. of this rule, except that:

(a) An original or an originally signed duplicate of the standby trust fund or escrow account agreement must be submitted to the department with the surety bond; and

(b) Unless the standby trust fund or escrow account is funded pursuant to the requirements of subparagraph (7)(C)2.C. of this rule, the following are not required by these rules:

I. Payments into the trust fund or escrow account as specified;

II. Annual valuations as required by the trust fund or escrow account agreement; and

III. Notices of nonpayment as required by the trust fund or escrow account agreement.

(IV) The bond must guarantee that the owner/operator will:

(a) Perform final closure in accordance with the closure plan and other requirements of the scrap tire processing facility permit whenever required to do so; or

(b) Provide alternate financial assurance as spec-

ified in subsection (7)(C) of this rule and obtain the director's written approval of the provided assurance, within ninety (90) days after receipt by both the owner/operator and the department of a notice of cancellation of the bond from the surety.

(V) Under the terms of the bond, the surety will become liable on the bond obligation when the owner/operator fails to perform as guaranteed by the bond. Following a determination that the owner/operator has failed to perform final closure in accordance with the closure plan, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund or escrow account.

(VI) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner/operator and to the department. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice of cancellation by both the owner/operator and the department, as evidenced by the return receipts.

(VII) The owner/operator may cancel the bond if the director has given prior written consent. The director will provide written consent when:

(a) An owner/operator substitutes alternate financial assurance as specified in subsection (7)(C) of this rule; or

(b) The director releases the owner/operator from the requirements of subsection (7)(C) of this rule.

(VIII) The surety will not be liable for deficiencies in the performance of closure by the owner/operator after the director releases the owner/operator from the requirements of subsection (7)(C) of this rule.

D. Letter of credit. The requirement for a financial assurance instrument may be satisfied by obtaining an irrevocable standby letter of credit.

(I) The letter of credit shall be issued by a state- or federally-chartered and regulated bank or trust association. If the issuing institution is not located in Missouri, a bank or trust association located in Missouri must confirm the letter of credit and the confirmation shall be filed with the department along with the letter of credit.

(II) The wording of the letter of credit must be identical to the wording specified in form MO 780-1267.

(III) An owner/operator who uses a letter of credit to satisfy the requirements of subsection (7)(C) of this rule must also establish a standby trust fund or escrow account. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the director will be deposited by the issuing institution directly into the standby trust fund or escrow account in accordance with instructions from the director. This standby trust fund or escrow account must meet the requirements of the trust fund or escrow account specified in subparagraph (7)(C)2.A. of this rule, except that:

(a) An original or an originally signed duplicate of the standby trust fund or escrow account agreement must be submitted to the department with the letter of credit; and

(b) Unless the standby trust fund or escrow account is funded pursuant to the requirements of subparagraph (7)(C)2.D. of this rule, the following are not required by these rules:

I. Payments into the trust fund or escrow account as specified;

II. Annual valuations as required by the trust fund or escrow account agreement; and

III. Notices of nonpayment as required by the trust fund or escrow account agreement.

(IV) The letter of credit must be accompanied by a letter from the owner/operator referring to the letter of credit

by number, the issuing institution and date and providing the following information: the scrap tire processing facility permit number, name and address of the scrap tire processing facility and the amount of funds assured for closure of the scrap tire processing facility by the letter of credit.

(V) The letter of credit must be irrevocable and issued for a period of at least one (1) year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year unless, at least one hundred twenty (120) days before the current expiration date, the issuing institution notifies both the owner/operator and the department by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the one hundred twenty (120) days will begin on the date when both the owner/operator and the department have received the notice, as evidenced by the return receipts.

(VI) If the owner/operator does not establish alternate financial assurance as specified in subsection (7)(C) of this rule and obtain written approval of this alternate assurance from the director within ninety (90) days after receipt by both the owner/operator and the department of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the director will draw on the letter of credit. The director may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last thirty (30) days of this extension, the director will draw on the letter of credit if the owner/operator has failed to provide alternate financial assurance as specified in subsection (7)(C) of this rule and obtain written approval of that assurance from the director.

(VII) Following a determination that the owner/operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the director may draw on the letter of credit.

(VIII) The director will return the letter of credit to the issuing institution for termination when:

(a) An owner/operator substitutes alternate financial assurance as specified in subsection (7)(C) of this rule; or

(b) The director releases the owner/operator from the requirements of subsection (7)(C) of this rule.

**E. Insurance.** The requirement for a financial assurance instrument may be satisfied by obtaining insurance. The insurance policy shall be irrevocable and without provisions to transfer, loan/borrow, withdraw, make premium payments from or otherwise extract or encumber funds from the face amount or cash surrender value of the policy, except upon written approval by the director or his/her designee.

(I) The insurer, at a minimum, shall be licensed to transact the business of insurance, or be eligible to provide insurance as an admitted or an excess or surplus lines insurer, in one (1) or more states, and authorized to transact business in Missouri by law and by the Missouri Department of Insurance, Financial Institutions and Professional Registration.

(II) The wording of the certificate of insurance must be identical to the wording specified in form MO 780-1268.

(III) The insurance policy must be issued for a face amount at least equal to the amount specified in paragraph (7)(B)1. of this rule. The term face amount means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

(IV) The insurance policy must guarantee that funds will be available to close the scrap tire processing facility whenever final closure occurs. The policy must also guaran-

tee that once the final closure begins, the insurer, upon the direction of the director, will be responsible for paying out funds, up to an amount equal to the face amount of the policy, to that party(ies) as the director specifies. Release of the funds will be authorized by the director according to paragraph (7)(C)1. of this rule.

(V) The owner/operator must maintain the policy in full force and effect until the director consents to termination of the policy by the owner/operator as specified in part (7)(C)2.E.(VIII) of this rule. Failure to pay the premium, without substitution of alternate financial assurance as specified in subsection (7)(C) of this rule, will constitute a significant violation of these rules, warranting such remedy as the director deems necessary. The violation will be deemed to begin upon receipt by the department of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

(VI) Each policy shall contain provisions:

(a) Allowing assignment of the policy to a successor owner/operator. The assignment may be conditional upon consent of the insurer, provided the consent is not unreasonably refused;

(b) Providing that policy issued on a claims-made basis shall provide retroactive coverage from the date of issuance of said policy covering the facility and shall contain an extended claims reporting period of at least twelve (12) months; and

(c) Designating the Director, Missouri Department of Natural Resources as the irrevocable primary beneficiary without collateral assignment(s).

(VII) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy, at a minimum, must provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner/operator and the department. Cancellation, termination or failure to renew may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by both the director and the owner/operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

(a) The director deems the tire site abandoned;

(b) The permit is terminated or revoked or a new permit is denied;

(c) Closure is ordered by the director or a United States district court or other court of competent jurisdiction;

(d) The owner/operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code; or

(e) The premium due is paid.

(VIII) The director will give written consent to the owner/operator that s/he may terminate the insurance policy when:

(a) An owner/operator substitutes alternate financial assurance as specified in subsection (7)(C) of this rule; or

(b) The director releases the owner/operator from the requirements of subsection (7)(C) of this rule.

**F. Financial test and corporate guarantee.** The requirements for a financial assurance instrument may be satisfied by passing a financial test. A corporate guarantee submitted by the parent corporation of the owner/operator as specified



in part (7)(C)2.F.(X) of this rule may also be used to satisfy the requirements for a financial assurance instrument.

(I) To pass the financial test the owner/operator must meet the criteria of either subpart (7)(C)2.F.(I)(a) or (b) of this rule.

(a) The owner/operator must have:

I. Two (2) of the following three (3) ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

II. Tangible net worth at least 2.0 times the sum of the current closure cost estimates covered by the test; and

III. Assets in the United States amounting to at least ninety percent (90%) of his/her total assets or at least 2.0 times the sum of the current closure cost estimates covered by the test.

(b) The owner/operator must have:

I. A current rating for his/her most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's;

II. Tangible net worth at least 2.0 times the sum of the current closure cost estimates covered by the test; and

III. Assets located in the United States amounting to at least ninety percent (90%) of his/her total assets or at least 2.0 times the sum of the current closure cost estimates covered by the test.

(II) The phrase current closure cost estimates as used in part (7)(C)2.F.(I) of this rule refers to the cost estimates required to be shown in paragraphs 1.-4. of the letter from the owner/operator's chief financial officer form MO 780-1269.

(III) To demonstrate that s/he meets this test, the owner/operator must submit the following items to the department:

(a) A letter signed by the owner/operator's chief financial officer and worded as specified in form MO 780-1269;

(b) A copy of the independent certified public accountant's report on examination of the owner/operator's financial statements for the latest completed fiscal year based on generally accepted accounting principles; and

(c) A special report from the owner/operator's independent certified public accountant to the owner/operator stating that:

I. S/he has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in those financial statements; and

II. The regulatory requirement that the certified public accountant provide assurance must be consistent with current professional auditing standards.

(IV) After the initial submission of items specified in part (7)(C)2.F.(III) of this rule, the owner/operator must send updated information to the department within ninety (90) days after the close of each succeeding fiscal year. This information must consist of all three (3) items specified in part (7)(C)2.F.(III) of this rule.

(V) If the owner/operator no longer meets the requirements of part (7)(C)2.F.(I) of this rule, s/he must send notice to the department of intent to establish alternate financial assurance. The notice must be sent by certified mail within ninety (90) days after the end of the fiscal year for which the year-end financial data show that the owner/operator no longer meets the requirements. The

owner/operator must provide the alternate financial assurance within one hundred twenty (120) days after the end of the fiscal year.

(VI) The director, based on a reasonable belief that the owner/operator may no longer meet the requirements of part (7)(C)2.F.(I) of this rule, may require reports of financial condition at any time from the owner/operator in addition to those specified in part (7)(C)2.F.(I) of this rule. If the director finds, on the basis of the reports or other information, that the owner/operator no longer meets the requirements of part (7)(C)2.F.(I) of this rule, the owner/operator must provide alternative financial assurance as specified in subsection (7)(C) of this rule within thirty (30) days after notification of such a finding.

(VII) The department may require and evaluate additional information which relates to financial status, including present or potential environmental liabilities and may deny the use of the financial test based upon the evaluation or the failure of an applicant to provide such additional information requested by the department within thirty (30) days from the date of that request. Pending approval of the use of the test by the director or pending appeal before any court of competent jurisdiction of the department's denial of the use of the test, the owner/operator shall comply with the financial assurance requirements through the use of an alternate financial assurance mechanism as described in subsection (7)(C) of this rule. The burden of proof shall be on the applicant in the event of any appeal of a denial. If the department rules that the firm's financial test is unacceptable, the firm shall have thirty (30) days from the date of notification of such a decision to provide alternative financial assurances.

(VIII) The department may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the report on examination of the owner/operator's financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The department will evaluate other qualifications on an individual basis. The owner/operator must provide alternate financial assurance as specified in subsection (7)(C) of this rule within thirty (30) days after notification of the disallowance.

(IX) The owner/operator is no longer required to submit the items specified in part (7)(C)2.F.(III) of this rule when:

(a) An owner/operator substitutes alternate financial assurance as specified in subsection (7)(C) of this rule; or

(b) The director releases the owner/operator from the requirements of subsection (7)(C) of this rule.

(X) An owner/operator may meet the requirements of subsection (7)(C) of this rule by obtaining a written guarantee, referred to in this rule as corporate guarantee. The guarantor must be the parent corporation of the owner/operator. The guarantor must meet the requirements for owner/operators in parts (7)(C)2.F.(I)-(VIII) of this rule and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording specified in form MO 780-1270. The corporate guarantee must accompany the items sent to the department as specified in part (7)(C)2.F.(III) of this rule. The terms of the corporate guarantee must provide that:

(a) If the owner/operator fails to perform final closure of a scrap tire processing facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subparagraph (7)(C)2.A. of this rule in the name of the owner/operator;

(b) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner/operator and to the department. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice of cancellation by both the owner/operator and the department, as evidenced by the return receipts; and

(c) If the owner/operator fails to provide alternate financial assurance as specified in subsection (7)(C) of this rule and obtain the written approval of the alternate assurance from the director within ninety (90) days after receipt by both the owner/operator and the department of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide the alternative financial assurance in the name of the owner/operator.

G. Contract of obligation. Municipalities or counties may satisfy the requirements for a financial assurance instrument by entering into a contract of obligation for the full amount of the approved closure cost estimates. The wording of the contract of obligation shall be identical to the wording specified in form MO 780-1263.

(I) The contract of obligation shall be a binding agreement on the municipality or county, allowing the department to collect the required amount from any funds being disbursed or to be disbursed by Missouri to the municipality or county. A municipality or county that uses the contract of obligation every five (5) years shall submit a letter to the department from the governing body reaffirming the amount of their financial obligation. The wording of the contract of obligation shall be identical to the wording specified in the Contract of Obligation form.

(II) Resolution and/or Ordinance. The Contract of Obligation shall be submitted to the department by the owner/operator with an attached Resolution or Ordinance specifying the name of the Signatory Agent having the designated authority to sign the Contract of Obligation. The Resolution or Ordinance shall contain wording similar to the wording specified in the Resolution/Ordinance form.

(III) Local Government Financial Test. The Contract of Obligation shall be submitted to the department every five (5) years by the owner/operator with an attached, accurate and complete Local Government Financial Test. The Local Government Financial Test shall contain:

(a) A letter signed by the owner/operator's chief financial officer using wording identical to the wording specified in the Local Government Financial Test form;

(b) A copy of an independent certified public accountant's report on examination of the owner/operator's financial statements for the latest completed fiscal year; and

(c) A special report from an independent certified public accountant to the owner/operator stating that—

I. S/he has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in the financial statements;

II. S/he should report an appropriate description of the findings using a summary of findings in accordance with the requirements of the American Institute of Certified Public Accountants Statement on Auditing Standards #75; and

III. The special report procedure was performed in accordance with generally accepted accounting principles (GAAP).

(IV) The owner/operator shall include a copy of the most recent comprehensive annual financial report (CAFR) disclosing, for public notice, all of the estimated scrap tire processing facility closure financial obligations. The report

shall include:

(a) The nature and source of the closure requirements;

(b) The costs recognized to date;

(c) The costs remaining to be incurred.

(V) Definitions. The financial terms used in this rule shall be consistent with generally accepted accounting principles (GAAP).

(VI) Qualifications.

(a) Local governments will not be qualified to utilize Contracts of Obligation and Local Government Financial Tests if they have been determined to:

I. Be an enterprise fund, solid waste management district or organization other than a county or incorporated city, town or village, as classified in Article VI, Section 15, of the Constitution of Missouri. Two (2) or more qualified local governments may join in common to submit combined mechanisms;

II. Currently be in default on any outstanding general obligation bonds;

III. Have any outstanding general obligation bonds having a Standard and Poor's rating less than BBB or a Moody's rating less than Baa;

IV. Have operated at a deficit exceeding five percent (5%) of the total annual revenues in each of the past two (2) years, except as allowed in Article VI, Sections 26(a) through 26(g), of the Constitution of Missouri;

V. Have a relative size threshold in excess of forty-three percent (43%) of the local government's total annual revenues. This rule allows the annual guaranteed environmental financial assurances to sub-total up to forty-three percent (43%) of the total annual revenues with additional secured financial assurance mechanism(s) being demonstrated for the remaining balance;

VI. Have an adverse opinion or a disclaimer of opinion from an independent certified public accountant as reported under subparagraphs (7)(C)2.G.(III)(b) and (7)(C)2.G.(III)(c) of this rule; and

VII. Fail the ratio test criteria of subparagraph (7)(C)2.G.(VI)(b)I. of this rule.

(b) An owner/operator qualified under subparagraph (7)(C)2.G.(VI) of this rule shall pass the local government financial test by meeting the criteria of either parts (7)(C)2.G.(VI)(b)I., Alternative I, or (7)(C)2.G.(VI)(b)II., Alternative II, of this rule as follows:

I. Alternative I. The owner/operator shall have a liquidity ratio greater than or equal to 0.050 and a debt service ratio less than or equal to 0.20; or

II. Alternative II. The owner/operator shall have a current rating for all outstanding general obligation bonds of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's. Ratings from agencies other than Standard and Poor's or Moody's and ratings on expired bonds, refunding bonds, revenue bonds, insured bonds or structured financing (guaranteed or collateralized) are not acceptable.

(VII) Effective dates.

(a) All applicants and/or owners/operators of active scrap tire processing facilities, choosing to use a Contract of Obligation to guarantee scrap tire processing facility financial assurance, shall submit a Local Government Financial Test and a Comprehensive Annual Financial Report, using the most recent fiscal financial statements, with each Contract of Obligation and Resolution/Ordinance submitted on or after April 9, 1998. After initial approval, each owner/operator shall every five (5) years submit an updated Contract of Obligation and Resolution/Ordinance, Local Government Financial Test and Comprehensive Annual

Financial Report within one hundred eighty (180) days following the end of their fiscal year.

(b) All owners/operators of officially closed facilities, having properly executed Contracts of Obligation that were approved prior to April 9, 1998, are not required to submit a Local Government Financial Test nor a Comprehensive Annual Financial Report as long as they are in compliance with 10 CSR 80-2.030 at the time of closure. The cost estimates of the Contracts of Obligation for officially closed facilities may be every five (5) years adjusted for inflation, as specified in subsection (7)(C)1.A. of this rule, by using a cover letter amendment to the contract signed by the designated signatory agent.

H. Use of multiple financial assurance instruments. An owner/operator may satisfy the requirements of subsection (7)(C) of this rule for financial assurance instruments by establishing more than one (1) financial instrument per scrap tire processing facility for closure. These instruments are limited to trust funds, escrow accounts, financial guarantee bonds, and letters of credit. The instrument must be as specified in paragraph (7)(C)2. of this rule except that it is the combination of instruments, rather than the single instrument which must provide financial assurance for an amount at least equal to an amount based upon the current costs of similar cleanups using data from actual scrap tire cleanup project bids received by the department to remediate scrap tire sites of similar size. If an owner/operator uses a trust fund or escrow account in combination with a surety bond or a letter of credit, s/he may use the trust fund or escrow account as the standby trust fund or escrow account for the other instruments. A single standby trust fund or escrow account may be established for two (2) or more instruments. The director may use any or all of the instruments to provide for closure of the scrap tire site.

I. Filing, increasing and decreasing financial assurance instruments. When increases in the financial assurance instrument are no longer being made and the estimated closure cost increases, the amount of the financial assurance instrument shall be adjusted to cover the increase in the cost estimate. The owner/operator shall increase the amount of the financial assurance instrument within sixty (60) days of the increase in the estimate and submit written evidence of the increase to the director or obtain other financial assurance as specified in subsection (7)(B) of this rule to cover the increase. If the current cost of closure decreases and the owner/operator has received written approval from the director of a decrease, the owner/operator may decrease the amount of the closure financial assurance instrument.

J. Release of financial assurance instruments. The department will inspect a permitted scrap tire processing facility when notified by the owner/operator that the closure plan has been implemented. If the inspection reveals that the approved closure plan has been properly effected, the director shall authorize the release or proportional release of, the financial assurance instrument submitted for closure and interest, if any.

K. Forfeiture of financial assurance instruments. If the owner/operator fails to properly implement the closure plan, the director will give written notice of the violation and order the owner/operator to implement the closure plan. If closure as approved by the director has not commenced within a specified and reasonable time, the director will order forfeiture of all or that part of the owner/operator's financial assurance instrument necessary to implement closure. Any owner/operator aggrieved by a forfeiture order may appeal as provided in section 260.235, RSMo.]

AUTHORITY: sections 260.225[, RSMo 2000] and 260.270, RSMo

[Supp. 2006] 2016. Original rule filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed June 7, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments will be received until August 28, 2018. A public hearing date is scheduled for 1:00 pm August 21, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 90—State Parks Chapter 2—State Parks Administration

### PROPOSED AMENDMENT

**10 CSR 90-2.010 Definitions.** The department is amending sections (1) and (2) and deleting section (4).

**PURPOSE:** This amendment clarifies existing definitions, removes unnecessary definitions, and adds needed definitions tied to the Americans with Disabilities Act.

(1) General Definitions.

**(C) Concessionaire** is any suitable person, persons, corporation, or association to which the director has awarded by contract the right to construct, establish, and operate public services, privileges, conveniences, and facilities on any land, site, or object under the Department's control as provided in section 253.080, RSMo.

**[(C)](D) Director**[, as used in these rules, shall refer to] is the director of the Division of State Parks.

**[(D)](E) Division**[, as used in these rules, shall refer to] is the Division of State Parks.

**[(E)](F) Facility manager.** The person directing the overall management, safety and operation of a state park or historic site. Normally, that person's title will be park superintendent or historic site administrator, but other persons may be assigned in the absence of such personnel.

**[(F)](G) Nonprofit group** is any group that has been incorporated **[(not-for-profit)] as a nonprofit corporation pursuant to Chapter 355, RSMo** in the state of Missouri.

**[(G)](H) Off-road vehicle (ORV) area** is a designated area where ATVs and motorcycles may be operated off of park roads and thoroughfares.

**[(H)](I) Park rangers.** Peace officers assigned to manage the law enforcement needs of state parks and historic sites, who are appointed under authority of section 253.065, RSMo, to enforce laws and provide law enforcement services on all lands and waters under the control of the Department of Natural Resources and all roadways within said boundaries.

**[(I)](J) Park staff** is any person employed either full or part time by the Division of State Parks or any person volunteering services under the supervision of full-time park employees, but not prison laborers or court-appointed laborers. In areas of state parks or historic sites that are under the control of a concessionaire, the concessionaire or his/her employees are also considered park staff for the

enforcement of these rules.

[(J)](K) *Person*. The word “person” wherever used in these rules shall be construed to mean any person (including a minor), partnership, joint-stock company, corporation, unincorporated association or society or municipal, or other corporation of any character whatsoever.

[(K)](L) *Persons with a disability*. [Those people] **An individual with a disability**, as defined in the Americans with Disabilities Act, **42 USCA Section 12102**.

[(L)](M) *Special management regulations* are special rules enacted at one (1) or more **state parks or state historic sites** designed to improve management, protect resources, or assist with [our] the **division’s mission [for providing a safe, pleasant, recreational experience] to provide outstanding recreational opportunities**. Such rules may apply to campgrounds, picnic areas, shelter houses, and other recreational/management zones. *Special management regulations shall be*, and are posted in the [park/site] **state park or state historic site** area where they apply.

[(M)](N) *Trails* are recognizable routes intentionally developed and designated for certain modes of travel and are signed indicating their appropriate use.

[(N)](O) *Vehicles (Non-Licensed)*.

1. All terrain vehicle (ATV) is a motorized vehicle having a maximum width of 50 inches and a maximum weight of 600 pounds designed to be operated off-road, with handlebar steering and a seat that is straddled by the operator. An ATV may be equipped with two (2), three (3), or more tires. This definition includes motorcycles designed for off-road operation.

2. Electrically-assisted pedal-powered vehicle. *Any of the above* is a self-propelled vehicles containing an electric motor designed to assist or supplement pedaling, [and] which [shall] does not exceed a speed of 20 miles per hour.

3. **Other Power-Driven Mobility Device (OPDMD)** is any mobility device powered by batteries, fuel, or other engines - whether or not designed primarily for use by individuals with mobility disabilities - that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electric personal assisted mobile devices, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair, off-road vehicle, ATV, or motor vehicle.

[3.]4. *Pedal-powered vehicle*. A vehicle consisting of a tubular metal frame mounted on one (1), two (2), or three (3) wire-spoked wheels equipped with handlebars and a saddlelike seat, and propelled by foot pedals, more commonly known as a unicycle, bicycle, or tricycle.

[4. *Powered-mobility vehicle*. *An electrically powered vehicle or device designed to accommodate or transport persons with disabilities, which includes wheelchairs and scooters, but does not include electric golf carts or utility vehicles.*]

5. **Vehicle** is any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by persons with disabilities.

6. **Wheelchair** is a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or outdoor locomotion.

(2) *Camping Definitions*.

(C) **Camping day** is any portion of a **twenty-four-** (24-) hour period beginning at 3:00 p.m. that a [camper occupied] **person can occupy** a campsite. Campers arriving prior to 3:00 a.m. shall be required to pay the camping fee **for the prior day as well as the current day**.

[(J) *Travel camp* refers to organized travel camping groups.

*Campsites for use by such groups are administered through special management regulations.*]

[(K)](J) *Youth camp area*. A youth camp area is usually an area with minimal development designed specifically for use by scouts and other nonprofit youth organizations.

[(4) *Jacob L. Babler Organized Group Center Definitions*.

(A) *Center* in the following text always refers to the **Jacob L. Babler Organized Group Center** located in **Dr. Edmund A. Babler Memorial State Park, Wildwood, Missouri**. The primary mission of the center is to serve disabled or inclusionary groups.

(B) *Center administrator*. This person is the special organized group center administrator as set forth by the Missouri state merit system. The center administrator is the employee responsible for the operation of the center.]

*AUTHORITY: section 253.035, RSMo [2000] 2016. This version filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed June 7, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, attn: Angie Even, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by August 28, 2018. A public hearing is scheduled for 1:00 pm on August 21, 2018, at Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri 65101.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 90—State Parks Chapter 2—State Parks Administration

### PROPOSED AMENDMENT

**10 CSR 90-2.020 Park Management**. The department is amending sections (1), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) and deleting section (3).

*PURPOSE: This amendment removes statutory duplications, adds mobility device provisions in accordance with the Americans with Disabilities Act, and clarifies existing requirements.*

(1) **Animals**. No person shall **within a state park or state historic site** molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, or throw missiles at any animal; [nor shall any person] remove or have in their possession the young of any animal; [nor shall any person] collect, remove, have in their possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen, alive or dead, any animal; nor [shall any person, agency, or organization] purposefully release any animal that was obtained outside state park boundaries within any state park or historic site without written permission from the director. Animals may be collected or used for scientific purposes [only by holders of a current Scientific Research Permit that was issued according to division policy: Scientific Research Permit Process] with **written permission from the director**. Exceptions include: animals used for interpretive or educational purposes under the guidance of division

employees in accordance with that policy; insects, ticks, chiggers causing or about to cause harm to any person; and the taking of animals as provided for by holders of a fishing license under the applicable provisions of the Wildlife Code and as otherwise posted.

*[(3)](3) Fireworks. Possessing, exploding, discharging or burning within, or bringing into any state park or historic site firecrackers, torpedoes, rockets or other fireworks or explosives of flammable material or any other substance, compound, mixture or article that in conjunction with other substances or compounds would be explosive or flammable or discharging or throwing fireworks or other explosive or flammable materials into the park area from lands adjacent thereto is prohibited without written permission from the director.]*

*[(4)](3) Public Speeches, Gatherings, Performances, etc. Organized activities are permitted providing the person(s) or representatives of the requested activity meet minimum management and operational criteria of the respective state park or historic site. Such activities include, but are not limited to: any political party, social club or society, office aspirant, religious sect, circus or theatrical group, or other public exhibition, debate, drill or parade, musicians, weddings, public speeches, and performance of any act or ceremony. Such activities require the written permission of the facility manager. Procedures for requesting permission, defining the scope and nature of the activity, limits and restrictions, and approval/disapproval notification are specified in the division's policy manual.*

*[(5)](4) Contributions. No person shall solicit contributions for any purpose, whether public or private, in any state park or historic site without the written consent of the director or designee.*

*[(6)](5) Vending, Peddling, etc. No person shall sell or offer for sale, hire, lease, or let out any other thing or engage in any business or erect any building, booth, tent, stall or any other structure whatsoever whether temporary or permanent within any state park or historic site, without written permission from the director. Exception is made to any regularly licensed concessionaire acting by and under authority and regulation of the Department of Natural Resources and providing food, goods, and services for the benefit of the public. Any licensed concessionaire may waive, in writing, their exclusive privilege to provide food, goods, and services.*

*[(7)](6) Signs.*

(A) Official Signs. Any sign, posted by park staff necessary for the safety of visitors or maintenance of the facility, in any state park or historic site which requires or prohibits certain conduct of persons or vehicles shall be obeyed.

(B) Other Signs. No sign, notice, or advertisement of any nature shall be erected **in any state park or state historic site** without permission from the facility manager or designee.

*[(8)](7) Broadcasts. No musical instrument, radio, tape recording, television, or sound track shall be operated or any noise made for the purpose of attracting attention to any person, political party, religious institution, or meetings or assemblies thereof, or for the purpose of demonstrating, advertising, or calling attention to any article or service for sale or hire within a state park or historic site, without proper authorization.*

*[(9)](8) Disorderly Conduct. No person shall disobey a reasonable order of a facility manager, ranger, caretaker, or other authorized park staff; commit a nuisance, use abusive language, or unreasonably disturb or annoy others within a state park or historic site. An example of an unreasonable disturbance or annoyance is the operation of any music making or noise-making device at a volume determined by authorized personnel to be excessive.*

*[(10)](9) Refuse and Trash. No person shall deposit **any garbage or waste** in any part of any state park or **state** historic site *[any garbage, sewage, refuse, waste, fruit, vegetables, food-stuffs, boxes, cans, bottles, jars, paper, or other litter, waste materials or obnoxious materials,]* except in containers or places designated for these purposes. Any material so disposed of shall have been generated at that state park or **state** historic site *[and shall not have been brought into the area only for disposal. The facility manager shall have the authority to establish a disposal fee, by written policy, for sewage disposal at approved locations and by approved methods. The fee shall be waived for campers using the facilities campground]* **unless the director approves the location to receive sewage disposal from other state park or state historic site locations.***

*[(11)](10) Pollution of Waters. No person shall:*

(A) *[t/Throw, discharge, or otherwise place or cause to be placed in the waters of any pool, fountain, pond, lake, stream [or other body of water in or adjacent to any state park or historic site, or any tributary, stream], storm sewer or drain flowing into the waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of waters/. No person shall]; or*

(B) *[d/Dump or deposit any bottles, broken glass, ashes, papers, boxes, cans, waste, garbage, or other trash in any waters in or contiguous to any state park or state historic site.*

*[(12)](11) Pets and Animals at Large.*

(A) No person shall allow any domestic or other animal under his/her control or ownership to range within any state park or historic site unless restrained by a leash not longer than ten (10) feet held by a person capable of restraining a pet or firmly affixed to some stationary object so as to prevent the animal from ranging at large. Controlling an animal by using an electric collar does not meet the requirements of this rule or state law. Except for *[dogs]* **service animals** assisting persons with disabilities **as defined in the Americans with Disabilities Act**, no domestic household or other animal shall be allowed inside any state park or historic site building under the control of either the division or a concessionaire licensed by the Department of Natural Resources unless permission is granted by the director. Park staff are authorized to capture and take any animals running at large to a local veterinarian, animal shelter, or animal impound. If the owner can be identified, the owner is responsible for all necessary fees involving the capture and impounding of the animal.

(B) Park staff, and specifically when possible park rangers, shall investigate all animal bites or attacks and recommend a classification of the incident and a determination concerning each reported animal bite or attack.

1. The investigating staff member shall determine if the bite/attack was accidental or non-accidental. If non-accidental, the animal *[shall]* **will** be determined to be dangerous or vicious. No animal is considered dangerous or vicious if the approach, injury, or damage was sustained by a person who was tormenting, abusing, or assaulting the animal; or was committing or attempting to commit a crime or intentional tort which would warrant immediate defense of person or property.

2. All animals involved in bites or attacks are subject to immediate impoundment by the investigating park *[personnel]* **staff**. Park staff or peace officers are authorized to use lethal force to apprehend animals involved in a bite or attack. *[Such lethal force shall be in compliance with such agency's policies and procedures.]*

3. Owners of animals are subject to fines, penalties, and any necessary capture, disease tests, impound, quarantine fees, and medical bills incurred by park staff for the animal's removal. Owners are required to report bites or attacks to park *[personnel]* **staff**.

*[(13)](12) Traffic.*

*[(A)] All applicable provisions of state laws and rules regulating the equipment and operation of motor vehicles on*

*Missouri highways will be strictly enforced in the parks and historic sites. Motorized self-propelled vehicles or equipment may be operated only on park roads and thoroughfares unless otherwise permitted by park staff. No person shall drive a vehicle in a Missouri state park or historic site in excess of 20 miles per hour, unless otherwise posted. Powered-mobility vehicles used to transport persons with disabilities are permitted on park/site trails, boardwalks, and other accesses where suitably designed.*

*(B) Those sections in Chapter 300, RSMo, as may hereafter be amended, not inconsistent with sections 253.150 to 253.170, RSMo are hereby adopted by reference for Missouri state parks and historic sites. The penalties for violations of these sections are described in 253.170, RSMo.]*

**(A) OPDMs may be used by persons with disabilities in all areas open to pedestrian use unless any of the following apply:**

- 1. The type (gas or electric), size (width, height, length), weight, dimensions (tire size, ground clearance), and/or speed precludes its safe and/or non-hazardous operation;**
- 2. Environmental conditions (volume of pedestrians, design, indoor operations characteristics, square footage, stationary barriers) preclude its safe and/or non-hazardous operation;**
- 3. Operation of the device can reasonably be expected to damage the environmental, natural, or cultural resources;**
- 4. The device is precluded by other operational restrictions;**
- 5. Operation of the device conflicts with federal laws or regulations;**
- 6. The state park or state historic site is unable to store the device, if requested;**
- 7. Usage would violate 10 CSR 90-2.020, 10 CSR 90-2.030, 10 CSR 90-2.040, or any other state or federal law; or**
- 8. The individual is operating the OPDM in an unsafe or disruptive manner.**

*[(14)](13) Park Rangers, Appointment, Powers as Peace Officers. Park Rangers and commissioned facility managers, employed as peace officers by the division under the authority of 253.065, RSMo, are empowered to enforce the provisions of 10 CSR 90-2.010 through 10 CSR 90-2.060 and all applicable state laws.*

*[(15)](14) Parking.*

*(A) Parking areas are designed and developed within state parks and state historic sites specifically for the use of state park and state historic site visitors only; and shall accommodate only] and those vehicles driven or chartered by state park or state historic site visitors. Open containers of intoxicating liquor and/or non-intoxicating beer are prohibited in parking areas [or] and other areas as designated by the division director.*

*(B) The division hereby establishes parking spaces for persons with disabilities, marked as indicated in section 304.143, RSMo, when their vehicles display a license or placard as defined in section 301.071 or 301.142, RSMo. [Said spaces shall be marked as indicated in 301.143, RSMo.] Misuse of these spaces [are] is a violation of state law and [are] is punishable under state law.*

*[(16)](15) Enforcement. It is the responsibility of the facility manager, park ranger, and all other park staff as assigned to administer, enforce, and encourage compliance with all the provisions of 10 CSR 90-2.010 through 10 CSR 90-2.060, all other rules, division policies, and state statutes as they apply to state parks in general.*

*[(17)](16) Discharging Weapons. The discharging of any device which propels an object, including, but not limited to, rifles, pistols, shotguns, BB guns, paintball guns, bow and arrows, sling shots, or any devices which use burning powder, explosives, compressed gases is prohibited, except in areas designated by the director. This does not apply to acts of self-defense or to peace officers or park staff acting in the line of duty.*

*[(18)](17) Cabins and Other Lodgings. The division or a concessionaire may administer policies governing the use and rental of cabins and other lodgings designed to improve management, protect the resources, or assist with [our] the division's mission for providing [a safe, pleasant,] outstanding recreational [experience] opportunities based on the needs of a facility. [There shall be m]Minimum rules for all cabins and other lodging [which shall include] including, but not limited to, check-in and checkout times, prohibitions against disorderly conduct, and hours to maintain quiet. Such rules] shall be approved by the director and posted in each rental unit.*

*AUTHORITY: section 253.035, RSMo [2000] 2016. Original rule filed May 17, 1954, effective May 27, 1954. For intervening history, please consult the Code of State Regulations. Amended: Filed June 7, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, attn: Angie Even, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by August 28, 2018. A public hearing is scheduled for 1:00 pm on August 21, 2018, at Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri 65101.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 90—State Parks

### Chapter 2—State Parks Administration

#### PROPOSED AMENDMENT

**10 CSR 90-2.030 Camping and Recreational Activities.** The department is amending sections (1), (2), (5), (8), (9), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (25), (26), (27), (28), and (29) and deleting sections (11) and (24).

*PURPOSE: This amendment removes requirements duplicated in other state laws and regulations, and reorganizes existing requirements for clarity.*

(1) Any violation of the general rules, regulations, division policies, and state statutes occurring in a campground in any state park or state historic site *[shall also be]* is also a violation of *[our]* division campground management rules.

(2) Camping Fee. *[A separate camping fee shall be charged for each camping day a designated campsite, overflow or other camping area is occupied. The fee is charged on the basis of available utilities, whether used or not.]* Methods of *[collection]* collecting the camping fee (site to site, office, fee booth, etc.) for each campground *[shall]* will be posted as public information. Camping permits, once issued and paid for, are nontransferable.

(5) Campsite Availability. Campsites are available on a “first-come first-served” basis except those which have been reserved under the formal reservation system or as provided for under other regulations. A campsite is considered unavailable and occupied when it has posted a valid camping permit and contains substantial personal property (i.e., dining fly, trailer, tent, licensed vehicle), or a valid camping

permit and an official marker/sign as provided specifically by the state park or historic site. The valid camping permit *[shall]* takes priority as evidence and first right of occupancy for the standard camping day in the event the campsite is inadvertently occupied by anyone other than the original holder of the camping permit.

(6) Quiet Hours. Campground quiet hours are between 10:00 p.m. and 6:00 a.m. All non-campers *[must]* **are required to** leave the campground by 10:00 p.m. This regulation prohibits any excessive or disruptive noises that are defined as noise emanating from radios, stereo systems, televisions, electric generators, loud conversations, etc., which can be heard by other persons not on the same campsite or same general area. The use of excessive or disruptive noises applies elsewhere and is not permitted between the hours of 6:00 a.m. and 10:00 p.m. also, unless otherwise allowed by the facility manager.

(8) Unattended Property. Campers shall not be allowed to leave personal property unattended on a campsite for more than 24 hours without written permission from the facility manager or *[his/her]* designee. *Such permission shall be given only in* **for** special circumstances such as medical emergencies or equipment failure.

(9) Holding or Reserving a Campsite.

(A) In addition to a camper's own campsite, one **(1)** additional campsite may be held for another camper anticipated to arrive later that same day, *[providing]* **so long as** substantial personal property is placed on the campsite~~./~~, *[T]*the fee for the additional campsite *[must be]* **has been paid and the permit posted at the campsite.**

*[[11] Bug Lights. The use of electronic insect killing devices is prohibited.]*

*[[12]](11) Campsites Designated for Persons with Disabilities.* A campsite designed for persons with disabilities may be sold to campers without disabilities when all of the particular types (basic, electric, sewer/electric) of campsite have been sold. A camper without disabilities may occupy the campsite for persons with disabilities for the duration of his/her camping stay on a day-by-day basis if a similar campsite is not available. Should a camper with disabilities arrive prior to 6:00 p.m., the camper without disabilities shall be required to move to a similar campsite if available.

*[[13]](12) Overflow Camping.* Overflow camping areas to accommodate special circumstances may be established by the facility manager with the approval of the district office. The duration of use and location of overflow camping areas will be determined by the facility management to provide limited overnight campsites within the capabilities of the facility and its resources.

*[[14]](13) Special Use Camp Areas.*

(A) Special use camp areas are assigned on a "first-come first-served" basis or may be reserved by phone or mail.

*[[B] Camping fees shall be determined by the director.]*

*[[15]](14) Equestrian Camping.*

(A) Equestrian campers must camp in designated equestrian camping areas, **and comply with all health and safety laws and regulations.**

(B) Animals are the responsibility of their owners *[and must comply with all health and safety laws and regulations].*

*[[16]](15) Camping* *[A/along T/trails./]* **is permitted as follows:**

(A) *[Camping shall be permitted only]* *[a/]*Along certain designated bicycle, equestrian and backpacking trails~~./~~;

(B) *[Trail campers shall register]* **By registering** before using the trail~~./~~; **and**

(C) *[Trail camping shall be restricted to]* **In** appointed areas

along the trail unless otherwise posted~~./~~. *When allowed in other than appointed areas, all camping shall take place*, **then** at least **one hundred** (100) feet from the designated trail, **and** at least **two hundred** (200) feet from any public use area facilities.

*[[17]](16) General Camping Rules.*

*[[A] No sewage or treated water, commonly referred to as "grey water," shall be discharged from tents, campers or recreational vehicles except at designated locations.*

*[[B] Fires shall be attended to at all times and restricted to fire pits, barbecue grills, where provided, or at locations approved by the facility manager. Fires may be prohibited throughout the park by special order of the facility manager when fire conditions warrant.*

*[[C] Lanterns shall not be hung on trees or shrubs.*

*[[D] Trenching around tent camps for protection against water or wind damage shall not be permitted.*

*[[E] At Finger Lakes State Park intoxicating liquor and/or non-intoxicating beer may be possessed only in designated camping areas and only by persons who have paid the appropriate camping fee.]*

**(A) The following are prohibited:**

**1. Discharging of sewage or treated water, commonly referred to as "grey water," from tents, campers, or recreational vehicles, except at designated locations;**

**2. Fires outside of the fire pits, barbecue grills (where provided), and other locations approved by the facility manager;**

**3. Leaving a fire unattended;**

**4. Hanging of lanterns on trees or shrubs;**

**5. Trenching around tent camps for protection against water or wind damage; and**

**6. Using electronic insect killing devices.**

**(B) Hammocks may be used with two-inch (2") wide nylon straps when tying off to a tree. Use may be prohibited depending on the campsite logistics.**

**(C) Fires may be prohibited throughout the state park or state historic site by special order of the facility manager when fire conditions warrant.**

*[[18]](17) Swimming.*

*[[A] No person shall [swim, bathe or otherwise enter any waters owned by, leased to, or under the control of the division, including designated swimming areas, unless otherwise posted or as directed by the facility manager or designee. Special warnings and restrictions may apply.]—*

*[[B] No person shall dress or undress on any beach, state building, or other place in any state park area, except in bath houses, personal camping units, or structures provided and maintained for that purpose. Swimmers and bathers shall be dressed at all times in proper attire that conforms to commonly accepted social standards.*

*[[C] No person shall throw, cast, lay or deposit any glass, crockery, or any part thereof, or any metallic substance in any swimming area in any state park or historic site.*

*[[D] No person, dogs or pets shall wash or be washed with or without soap or other cleansers in swimming areas or any waters under the control of the director. Dogs and pets are not allowed in designated swimming beaches, or as otherwise posted.]*

**1. Swim, bathe, or otherwise enter any waters owned by, leased to, or under the control of the division that is marked as non-swimming or restricted, or as instructed by the facility manager or designee;**

**2. Dress or undress on any beach, in any state building, or other place in a state park or state historic site area, except in bath houses, personal camping units, or structures provided and maintained for that purpose;**

**3. Throw, cast, lay, or deposit any glass, crockery, or any**



part thereof, or any metallic substance in any swimming area in any state park or state historic site;

4. Bring a dog or pet into a designated swimming beach or area as otherwise posted, except for service dogs assisting a person with a disability;

5. Wash their body, dogs, or pets with or without soap or other cleansers in swimming areas or any waters under the control of the director; or

6. Possess intoxicating liquor and/or non-intoxicating beer in any designated swimming area or adjacent parking lots, or other areas as posted.

(B) Swimmers and bathers shall be dressed at all times in proper attire that conforms to commonly accepted social standards.

[(E)](C) Swimming beaches and pools may be closed to the public and bathing therein be prohibited at any time when, in the opinion of the facility manager or concessionaire, bathing is dangerous or otherwise inadvisable.

[(F) Possession of intoxicating liquor and/or non-intoxicating beer is prohibited in any designated swimming area or adjacent parking lots, or other areas as posted.

(G) Every person shall comply with posted rules at designated swim areas.]

[(H)](D) Fishing and boating are permitted only outside designated swim areas.

[(19)](18) Picnic Areas and Use. Areas are designated for picnicking to include such amenities as parking, picnic tables, fire grills, and restrooms. Picnicking is permitted in any state park or historic site in areas set apart and designated for that purpose. [No fires are permitted except in personal campstoves or grills provided by the park or site for outdoor cooking.] Picnicking is not permitted in designated campgrounds[, except with permission of the facility manager or designee].

(A) Use of grills, tables, and benches generally follows the rule of first-come first-served, but no person or group shall use any picnic area, shelter, or facility to the exclusion of other persons for an unreasonable time if facilities are crowded, [except as allowed by 10 CSR 90-2.030(28). Determination of what is unreasonable shall be at the discretion of] as determined by the facility manager.

(B) [To maintain cleanliness and reduce fire hazard, each picnic party shall see that its fire is completely extinguished before the area is vacated, unless it is to be used by others and that all trash, such as boxes, cans, papers, bottles, garbage and other refuse is placed in receptacles provided for that purpose.] Fires are permitted only in personal campstoves, or grills provided by the state park or state historic site for outdoor cooking. Each picnicking party is responsible for ensuring their fire is completely extinguished before leaving the area, unless it is to be used by others.

(C) Each picnicking party is responsible for ensuring that all trash, such as boxes, cans, papers, bottles, garbage, and other refuse is placed in receptacles provided for that purpose, or is carried out as otherwise required at posted locations.

[(20)](19) Horses, donkeys, and mules are permitted only in designated areas within state parks and state historic sites and are not permitted in non-equestrian camping areas, picnic areas, or other public use areas. Horses, donkeys, and mules shall have a rider on them or [they shall] be tied in a designated area. Horses, donkeys, and mules shall not be ridden on foot trails, through streams, off designated trails, or tied to trees without the permission of the facility manager. In those facilities that require a rider's permit or that seasonally close riding trails or areas, it is the responsibility of the rider to obtain the proper permit.

(A) Equestrian owners or riders must show proof of current negative Coggins test (equine infectious anemia) upon request by appro-

priate park personnel and can be denied access to the facilities if such proof cannot be provided.

(B) In those undeveloped areas where horseback riding is permitted at random, horses, donkeys, and mules shall be properly restrained, ridden with due care, and shall not be permitted to graze unattended.

[(21)](20) Hunting. [Rules relating to hunting in Missouri state parks and historic sites are governed by Chapter 252 and 253.200, RSMo and the Wildlife Code of Missouri, as hereafter amended. Hunting, trapping or the pursuit of wildlife is forbidden at all times in all parks and historic sites. Spotlighting wildlife by flashlight, floodlight, or vehicle headlights is prohibited unless under the guidance of a park employee.] No individual shall use or discharge weapons of any type in any state park or historic site, without written permission of the director with the following exception:

(A) Hunting shall be permitted in designated areas of Missouri's state parks only during periods of special hunts, which shall be sponsored jointly by the Department of Natural Resources' Division of State Parks and the Department of Conservation to control or prevent animal overpopulation or to control or prevent problems related to overpopulation such as damage to natural resources, property damage, or public health hazards. Due to the changing locations of these hunts and conditions for hunting, the policies governing them shall be developed and announced jointly by the division and the Missouri Department of Conservation prior to the designated hunts.

[(22)](21) Fishing. [Fishing shall be permitted in waters of state parks and historic sites under applicable provisions of the Missouri Wildlife Code.]

(A) [All state fishing laws and boating laws shall be obeyed; c]Commercial fishing or the buying or selling of fish caught in park waters is forbidden.

(B) Fishing may be prohibited in certain areas as designated by the director and upon the proper posting of these areas.

[(C) In addition to applicable provisions of the Missouri Wildlife Code, the director may establish special fishing regulations for waters owned or under the jurisdiction of the Department of Natural Resources.]

[(23)](22) Boating. Unless otherwise prohibited boating is allowed in state park waters in accordance with state and federal rules and regulations. State park waters fall under the jurisdiction of various state and federal agencies. The Missouri Water Patrol, Missouri Coast Guard, U.S. Army Corps of Engineers, and/or Missouri Department of Conservation promulgates the regulations pertaining to boating. Specific regulations regarding boating generally are posted at points of access.

[(A) Boating of any kind in a designated swim area shall be prohibited except for official boating as is necessary to keep the areas properly protected and policed.

(B) No watercraft shall be launched into or removed from any park waters, tied to trees or land objects, except at places that are designated for this use. No privately owned boat or watercraft of any kind shall be left by its owner in park waters (waters totally owned by the Department of Natural Resources) in excess of 24 hours without written permission of the facility manager or designee.

(C) No person other than a concessionaire or employee of the division shall be permitted to rent, hire, or operate for charge any kind of boat or watercraft, whether powered or not, on any park waters.]

(A) The following actions are prohibited:

1. Launching or removing watercraft from any park waters (waters totally owned by the Department of Natural Resources) or tying to trees or land objects, except at places designated for this use;

2. Leaving a privately-owned boat or watercraft of any kind in park waters in excess of twenty-four (24) hours without written permission of the facility manager or designee; and

3. Renting, hiring, or operating for charge any kind of boat or watercraft, whether powered or not, on any state park or state historic site waters without written permission from the director.

[(D)](B) The director may establish limits for the horsepower of outboard motors that may be operated in park waters; limits are posted at each respective location.

[(E)](C) On waters managed under agreement with the Department of Conservation, special regulations specified in 3 CSR 10-4.116 also apply and may be enforced by park staff.

[(F) Those sections in Chapter 306, RSMo, as may hereafter be amended, not inconsistent with this code are hereby adopted by reference for Missouri state parks and historic sites and may be enforced by park staff.

(24) State Park and Historic Site Concessions.

(A) Cabins and Other Lodgings. The normal operating season, days, and times for state park cabins, motels, and other lodgings shall be established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire.

(B) Reservations. Requests for lodging reservations shall be made with the park concessionaire. Reservations shall be confirmed upon payment of a deposit in the amount of the first night's lodging. The lodging policy for concessions operating motels, cabins, duplexes, suites, or any type of lodging, meeting, conference space, shall be reviewed by the division director or his/her representative for approval on an annual basis at the same time price changes are reviewed.

(C) Cabins, motels, and other lodgings shall not be guaranteed for occupancy before 3:00 p.m. and check-out time is 11:00 a.m.

(D) Dining Lodges. The normal operating season for state park dining lodges is established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire.

(E) Marinas. The normal operating days and seasons for state park marinas are established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire.

(F) Swimming Pools and Beaches. The normal operating days and seasons for state park swimming pools and beaches are established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire. Swimming pools and beaches may be closed due to hazardous conditions or in the event of inclement weather.

(G) Other concessions shall be open as approved by the director.

(H) Concessionaires shall provide the director with an annual pricing review, comparing concession prices with those of direct competitors for equivalent goods and services, i.e., for lodging, watercraft slips and rentals, etc.]

[(25)](23) Shelter Houses. Open shelters and/or enclosed shelters may be provided in the day use areas of Missouri's state parks and state historic sites. [These shelters may be reserved for guarantee of use by contacting the facility manager of the park or historic site concerned. Requests for reservations shall be accompanied by a cashier's check, money order, personal check, cash, or credit card equal in amount to the fee for use of the facility. Reservations canceled less than seven days prior to the day of the reservation will cause forfeiture of the reservation fee.]

[(A) The open shelters, when not reserved, shall be available for free use on a first-come first-served basis.

(B) Fees for the guarantee of use of the open and enclosed shelters shall be established by the division and posted within the park or historic site.

(C) Open and enclosed shelters must be vacated by 10:00 p.m. daily or earlier if the shelter is located in an area that closes before 10:00 p.m.

(D) An individual from the reserving group of an enclosed shelter shall contact the park or historic site personnel to arrange that the building is unlocked prior to the agreed upon time of use and locked after the use of the building.]

(A) Open and enclosed shelters may be reserved in advance through the respective park staff or contracted concessionaire, with full payment being made.

(B) Shelter rental fees are established by the division director and posted for public reference.

(C) Reservations cancelled less than seven (7) days prior to the day of reserved use causes forfeiture of the shelter fee.

(D) When reserving an enclosed shelter, an individual from the reserving group must contact the respective facility manager or designee to arrange for the building to be unlocked prior to the agreed upon time of use and locked at the end of use.

(E) Shelters must be vacated by 10 p.m. daily, or earlier if the shelter is located in an area that closes before 10 p.m.

(F) When not reserved, open shelters are available for first-come, first-served use at no cost. Enclosed shelters are available by reservation only.

[(26)](24) Historic Structures. Fees charged for entrance to historic sites, their associated structures, museums or features [shall] may be established by the director of the Department of Natural Resources and [shall be] posted at the historic sites alongside the hours of operations. [The following rules shall apply to all state historic sites or buildings:]

[(A) Smoking is not permitted in any state historic building, structure or museum except in areas so designated for the public or upon permission of the facility manager or director; and]

[(B)](A) Consumption or introduction of foods or drinks in any state historic building is prohibited unless in areas so designated for the public or upon permission of the facility manager or the director.

[(27)](25) Off-Road Vehicle (ORV) Areas.

(A) ORV areas are located in Finger Lakes and St. Joe state parks.

(B) [Only] ATVs and motorcycles may be operated in ORV areas, except that. [t/The operation of other vehicles may be permitted with the proper authorization. Other motorized vehicles are specifically prohibited on wooded trails at St. Joe State Park, except for maintenance and rescue operations. ATVs and motorcycles are prohibited on the beaches, beach access trails, and paved roads.

(C) Passengers are not permitted on ATVs or motorcycles. Where permitted by the manufacturer, other motorized vehicles may carry as many passengers as there are seat positions provided that all passengers [are seatbelted] wear seatbelts.

(D) Operators of ATVs and motorcycles, and operators and passengers of other motorized vehicles without fully enclosed metal cabs, must wear protective helmets that meet United States Department of Transportation or ANSI Z90.1 certification. [Operators and passengers of other motorized vehicles without fully enclosed metal cabs must also wear such protective helmets.]

(E) Motorized vehicles, except motorcycles, must be equipped with a flexible mast, minimum of 72 inches in length, with a day-glow orange or yellow flag measuring at least 72 square inches displayed at the top of the mast.

(F) All ATVs and motorcycles must be equipped with a spark arrestor, functioning brakes, and muffler designed so that the noise level does not exceed 86 dbA.

(G) Before entering the [off-road vehicle (ORV)] area, each

off-road vehicle may be inspected by park staff for compliance with the safety equipment requirements.

(H) The speed limit within the staging area or the entrance road to the ORV area shall be five (5) miles per hour, **with the speed limit in the designated buffer area between the staging area and the ORV riding area set at twenty (20) miles per hour.** No exhibition driving will be allowed within these areas. *[The speed limit in the designated buffer area between the staging area and the ORV riding area shall be 20 miles per hour.]*

(I) Operators under sixteen (16) years of age and/or unlicensed operators must have direct supervision of a licensed adult while operating a motorcycle or ATV. *[Persons under 12 years of age may not operate three-wheeled ATVs.]*

(J) Use of or being under the influence of alcohol or drugs while operating an ATV or motorcycle is prohibited. **Open or closed containers of intoxicating liquor and/or non-intoxicating beer are prohibited in ORV areas, staging areas, entrance roads, and other areas designated for ORV operation.**

*[(K) Persons under 16 years of age should not operate any ATV that the manufacturer recommends be operated only by an adult.]*

*[(L)](K)* Access to the lakes in the ORV area at St. Joe State Park shall be provided to persons for the purpose of fishing only. Vehicle access requires a pass to be obtained from park staff. *The pass*, which may be revoked for unauthorized conduct.

*[(M)]* Open or closed containers of intoxicating liquor and/or non-intoxicating beer are prohibited in ORV areas, staging areas, entrance roads, and other areas designated for ORV operation.

*[(N)](L)* *[At St. Joe and Finger Lakes state parks, a]* A use permit will be required for each ORV operated in the ORV area. The director shall establish the types of permits and the permit fee.

*[(O)](M)* ATVs and motorcycles shall be unloaded and loaded only on designated locations within the ORV areas. *[ATVs and motorcycles are prohibited on the beaches, beach access trails and paved roads.]*

*[(P)](N)* Areas within the ORV area may be posted as closed to vehicle traffic for emergencies or due to other management practices.

*[(28)](26)* Use of Pedal-Powered or *[Electric-Assisted]* **Electrically Assisted Pedal-Powered Vehicles.** To facilitate accessibility to the public, the use of pedal-powered and electrically assisted pedal-powered vehicles is permitted on all trails designated for bicycle use. *[Powered-mobility vehicles are permitted on all trails designated for pedestrians. Permitted use does not infer that trails meet standards in accordance with the Americans With Disabilities Act unless they are so designated. Pedacycles or other vehicles which use gasoline or other hydrocarbon fuels are specifically prohibited from operation on such trails, unless being used by park staff or emergency response personnel for maintenance or public safety concerns.]*

*[(29)](27)* Other Recreational Activities.

(A) State parks and historic sites provide opportunities for our visitors to engage in varied recreational activities. However, the division maintains the right to prohibit or otherwise restrict recreational activities that are not in keeping with the mission and objectives of the Department of Natural Resources, that may damage property, that require special safety measures, or that conflict with other uses of an area. Such prohibitions or restrictions shall be determined by the director, who may establish policy or procedures to regulate conduct.

(B) Specific recreational activities that are restricted by policy include using metal detectors, caving, rock climbing and rappelling, diving, and conducting special events and activities.

(C) Additional recreational activities may be restricted by policies established after the effective date of this provision and/or by signage.

**AUTHORITY:** section 253.035, RSMo [2000] 2016. This version of rule filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 7, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, attn: Angie Even, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by August 28, 2018. A public hearing is scheduled for 1:00 pm on August 21, 2018, at Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri 65101.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 90—State Parks Chapter 2—State Parks Administration

### PROPOSED AMENDMENT

**10 CSR 90-2.040 Park Property.** The department is amending sections (1), (4), (5), (6), and (8) and deleting section (7).

**PURPOSE:** This amendment removes requirements more appropriately addressed in internal policies, and reorganizes existing requirements for clarity.

(1) Buildings, Signs, and Other Property. No person shall in any manner willfully mark, deface, or injure in any way, or displace, remove or tamper with any state park or historic site buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, park signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures, equipment or facilities, without written permission from the director. *[Requests for removal of buildings and structures shall follow procedures as outlined in the division's policy regarding care and treatment of cultural resources.]*

(4) Trees, Shrubbery, Lawns, etc. *[No person shall cut, carve or injure the bark, or break off limbs or branches or mutilate in any way, or pick the flowers of any plant species within any state park or historic site. Persons may collect for personal consumption within the state park or historic site small quantities of wild edible fruit, berries, seeds, and nuts (excluding below-ground plant parts) in quantities not to exceed a one-gallon container. Any such edible fruit, etc. so collected shall not be transported outside the state park or historic site. Every person is permitted to collect by hand edible mushrooms for personal consumption outside the state park or historic site providing that the quantity collected does not exceed that which fills a two-gallon container. No person shall dig in or otherwise disturb or destroy grass areas, or lawns, pile debris or material of any kind on park grounds or attach any rope, wire or other contrivance thereto. No person shall plant or remove any vegetation and/or propa-gules (seeds, roots, etc.), or collect or remove flowers or other plant parts without the written permission from the director.]*

(A) No person shall:

1. Cut, carve, or injure the bark, or break off limbs or branches or mutilate in any way, or pick the flowers of any plant species within any state park or state historic site;

2. Dig in or otherwise disturb or destroy grass areas, or lawns, pile debris or material of any kind on state park or state historic site grounds or attach any rope, wire, or other contrivance thereto; or

3. Plant or remove any vegetation and/or proagules (seeds, roots, etc.), or collect or remove flowers or other plant parts without written permission from the director.

(B) Persons may collect wild edible fruit, berries, seeds, and nuts (excluding below-ground plant parts) in a quantity not to exceed a one (1) gallon container for personal consumption within a state park or state historic site.

(C) For personal consumption outside a state park or state historic site, persons may collect edible mushrooms by hand in a quantity not to exceed a two (2) gallon container.

(5) Caves. Any person desiring to enter a natural cave in any state park or state historic site shall comply with the requirements posted at the cave entrance. If no sign is posted at the cave entrance, then the facility manager or designee must be contacted to determine access requirements. This same person shall check out with the facility manager or his/her representative prior to leaving the park. **Overnight camping is not permitted in caves or mines.** The following conditions will be met for those caves in which a permit is issued. *Failure to comply shall be cause for revocation of the permit.* or the permit will be revoked:

(A) *[Any person]* If under eighteen (18) years of age *[shall]*, have the signature of *[his/her]* a parent or guardian or be in the company of *[his/her]* a parent or guardian.];

(B) *[All persons will b/Be]* familiar with *[the state park]* division rules and *[shall]* agree not to litter, remove, injure, disfigure, deface, or destroy any living organism, object, or portion of the cave.];

(C) *[Each person shall h/Have]* three (3) individual sources of light.]; **per person;**

(D) *[Each person shall w/Wear]* a hard hat.];

(E) *[Each person shall c/Carry]* plastic bags for **each person** for removal of trash and solid human waste and *[to keep]* spent carbide *[in.]; and*

(F) *[Each group shall c/Carry]* one (1) first-aid kit **per group** in the cave with them.

*[(G) Overnight camping is not permitted in caves or mines.]*

(6) Limited Access Areas. Certain areas within state parks and state historic sites possessing unusual natural significance and being vulnerable to damage resulting from public access shall be designated **and signed** as limited access areas by the director. *[Areas so designated shall be properly posted.]* Entrance to limited access areas shall require the permission of the facility manager.

*[(7) Natural Resource Management. The Division of State Parks is authorized to expend funds and allocate resources as appropriated for the purpose of managing natural resources on state parks and historic sites. These activities may include prescribed burns, removal or control of native and exotic plant species, tree thinning or removal; or other manipulations of native plants and wildlife deemed necessary to protect and sustain natural ecosystems. No such actions shall be engaged upon without the written permission from the director, either specifically for that project or as part of an approved management plan for a state park or historic site.]*

*[(8)](7) Bridge Load Limits. Certain bridges owned and maintained by the Department of Natural Resources will be posted with load*

limit and speed limit signs as required to ensure the safety of the motorists and to preserve the integrity of the bridge structures. These limits shall conform to recommendations resulting from engineering studies or Missouri Department of Transportation evaluations.

*AUTHORITY: section 253.035, RSMo [2000] 2016. Original rule filed May 17, 1954, effective May 27, 1954. For intervening history, please consult the Code of State Regulations. Amended: Filed June 7, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, attn: Angie Even, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by August 28, 2018. A public hearing is scheduled for 1:00 pm on August 21, 2018, at Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri 65101.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 90—State Parks Chapter 2—State Parks Administration

### PROPOSED AMENDMENT

**10 CSR 90-2.050 Organized Group Camps.** The department is amending sections (1), (2), (3), and (5).

*PURPOSE: This amendment clarifies requirements for constituents using the organized group camp facilities.*

(1) Application Procedure.

(B) Any group may apply to reserve a group camp by requesting an application from the **respective** facility manager *[of the park it wishes to visit or by contacting the Division of State Parks, PO Box 176, Jefferson City, MO 65102].*

(C) Applications for reservations may be taken up to eleven months in advance of the day of arrival *[and must be submitted by mail only]*. All applications for the next calendar year open season are due by October 16. Those groups applying after that date will be offered remaining dates. The reserving party must also indicate a second and third priority stay period. Rental priorities shall be given to nonprofit, youth organizations, and/or applications with the earliest postmark.

(2) Fees.

(A) A deposit fee shall be made payable to the Missouri Department of Natural Resources upon confirmation of the reservation. *[The director shall establish the deposit fee.]*

(3) Check-In and Checkout Procedures.

*[(A) Groups shall check into camp no later than 3:00 p.m. on the date of arrival stated on the letter of confirmation. Groups shall check out of the camp no later than 3:00 p.m. on the date of departure stated on the letter of confirmation. Groups arriving after the time indicated on the group camp confirmation letter may be charged an hourly rate for each hour they are late. Groups checking out of camp after the time indicated on the confirmation permit may be charged for an additional day. Group camp minimums and appropriate*

utility fees will be charged for late checkouts. Exceptions shall not be made without prior approval from the facility manager.

(B) At the time of check-in, the camp director shall have in their possession a copy of the confirmation permit and group camp policy manual.

(C) The camp director shall arrive at the park prior to the group. The camp director shall check in with the designated park representative at the park office. Together they shall make an inventory of the facilities. The inventory shall be signed by the camp director and kept in the park office. Campers shall not be permitted to move into the cabins until the inventory is completed.

(D) The camp director and park representative shall make an inventory of the camp after all campers have vacated the buildings. Any damages or shortages shall be checked against the inventory made at check-in. The rental group shall be charged for any damages or shortages occurring during their stay at camp.

(E) Charges for damages or shortages and the rental charges, less deposit, shall be paid at the time of departure. Checks shall be made payable to the Missouri Department of Natural Resources. Rental groups shall be charged for the amount of utilities used. Prior arrangements for delayed payment may be made with the facility manager, when approved by the district supervisor, not to exceed 30 days from time of departure.]

**(A) Check-In Procedures.**

1. Check-in must occur no later than 3 p.m. on the date of arrival, as stated in the letter of confirmation.

2. Groups arriving after 3 p.m. may be charged an hourly rate for each hour they are late.

3. The camp director must arrive at the park prior to the group, have in his/her possession a copy of the confirmation letter and group camp policy manual, and check in with designated park staff in the park office.

4. The camp director and park staff shall make an inventory of the facilities, to be signed by the camp director and kept in the park office. No one can move into the cabins until the inventory is completed.

**(B) Check-Out Procedures.**

1. Check-out must occur no later than 3 p.m. on the date of departure, as stated in the letter of confirmation.

2. Groups departing after 3 p.m. may be charged for an additional day. Group camp minimums and appropriate utility fees will be charged for late check-outs.

3. The camp director and park staff shall make an inventory of the facilities, to be checked against the inventory made at check-in, and any damages or shortages will be charged to the rental group.

4. Charges for damages, shortages, the amount of utilities used, and the rental charges - less the deposit - shall be paid at the time of departure.

**(5) General Policy.**

(A) The division shall close a camp and cancel a group's reservation at the time that use of the facilities is found to be detrimental to the health and safety of the campers. A camp [shall] may be closed at the discretion of the division director if the group's program is not in keeping with the mission and objectives of the Department of Natural Resources or the group refuses to abide by the rules established by the [D]division [of State Parks]. In these cases, all deposits shall be forfeited and all fees incurred to date shall be paid upon departure.

(B) User groups shall maintain the facilities assigned, including grounds, during their stay at camp and shall leave them clean. The camp director shall ensure they are clean and hazard free[. S/he shall], and report any facility in need of repair to the facility man-

ager.

(C) Representatives of the division shall inspect the kitchen as often as necessary[. Groups shall be required] to ensure groups meet the laws and regulations governing food services as set forth by the Missouri Department of Health. If the using group fails to comply with the standards set forth by the Department of Health, the division shall close that facility.

(E) Outdoor fires shall be permitted only by approval and as designated by the facility manager, and shall not be left unattended. No other fires shall be started except in fireplaces provided for that purpose. [No fires shall be left unattended.]

*AUTHORITY: section 253.035, RSMo [2000] 2016. This version filed Dec. 31, 1975, effective Jan. 10, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed June 7, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 90—State Parks  
Chapter 2—State Parks Administration**

**PROPOSED AMENDMENT**

**10 CSR 90-2.070 Fencing on Park-Owned Property.** The department is amending section (2).

*PURPOSE: This amendment removes a phone number no longer used for submission of requests.*

(2) The division may participate in fencing park and historic site boundaries for the purpose of preventing intrusion from livestock or commercial game in accordance with Chapter 272, RSMo. Fencing requests shall be submitted in writing and approved by the director or his/her designee. The division's procedures for participating in fencing of park and historic site boundaries for this purpose are as follows:

(A) All fencing requests shall be directed to the Missouri Department of Natural Resources, Division of State Parks, PO Box 176, Jefferson City, MO 65102[, (800) 334-6946].

*AUTHORITY: section 253.035, RSMo [2000] 2016. Original rule filed Oct. 26, 2000, effective June 30, 2001. Amended: Filed June 7, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Division of State Parks, attn: Angie Even, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by August 28, 2018. A public hearing is scheduled for 1:00 pm on August 21, 2018, at Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri 65101.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 70—Division of Alcohol and Tobacco Control  
Chapter 2—Rules and Regulations**

**PROPOSED AMENDMENT**

**11 CSR 70-2.140 All Licensees.** The division is amending sections (1)–(17).

**PURPOSE:** *To revise this section that establishes additional rules for the conduct of business in both retail and wholesale establishments regarding inspection, record keeping, storage, employment, sales, gambling, and consumption by minors, to reflect the elimination of Chapter 312, RSMo, regulating nonintoxicating beer. The division's name will be changed to Division of Alcohol and Tobacco Control in all applicable sections. Section (7) was removed as it is a duplicate of section 311.300, RSMo. Changes were made in section (11) allowing convicted felons to participate in direct retail sales as a result of legislation in 2009. Gambling regulations were redefined in section (10) to reflect recent case law decisions that have determined that the division has no authority to seize gambling devices. Section (16) is also removed as it is a duplication of statutes. Renumbering changes are made throughout.*

(1) Licensees at all times are responsible for the conduct of their business and at all times are directly responsible for any act or conduct of any employee on the premises which is in violation of the Intoxicating Liquor **Control Laws** *[or the Nonintoxicating Beer Laws]* or the regulations of the supervisor of *[liquor]* **alcohol and tobacco control**.

(2) *[All licensees shall allow t/*The licensed premises and all portions of the buildings of the premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and all buildings used in connection with the operations carried on under the license and which are in *[their]* **the licensee's** possession or under *[their]* **its** control, and all places where *[they]* **the licensee** keeps or *[have]* **has** liquor stored, *[to]* **may** be inspected by the supervisor of *[liquor]* **alcohol and tobacco control** and *[their]* **his/her** agents. Licensees shall cooperate fully with the agents during the inspections.

(3) All licensees *[are required to]* **shall** keep complete and accurate records pertaining to their businesses. *[These/]* **Such** records *[shall]* include a complete and accurate record of all purchases and of all sales of intoxicating liquor *[and nonintoxicating beer]* made by them. These records *[must]* **are to** include the names and addresses of all persons from whom the liquor is purchased, the dates, kinds and quantities of the purchases and the dates and amounts of payments on account. They also should include the daily gross returns from sales.

(A) All licensees *[shall]* **are to** keep all files, books, records, papers, state, county and city licenses, *[federal tax stamps]* and accounts and memoranda pertaining to the business conducted by them, on the licensed premises *[and they, upon request of]*. *[t/]*The supervisor of *[liquor]* **alcohol and tobacco control** or his/her duly authorized agents and auditors, *[promptly shall allow an inspection and audit to be made by the supervisor or his/her*

*agents, of files, books, records, papers, state, county and city licenses, federal tax stamps, accounts and memoranda and shall permit copies to be made and taken of them]* **may inspect, audit, or copy such records at any time.**

(B) All records required to be kept by law or rule of the supervisor *[must]* **shall** be kept and preserved for a period of two (2) years from the date the record was made.

(4) No licensee *[shall]* **may** buy or accept any warehouse receipt unless the seller or donor of the receipt first *[shall]* acquires the written permission of the supervisor of *[liquor]* **alcohol and tobacco control** to sell or give away the receipt.

(5) No licensee *[shall]* **may** have consigned to him/her, receive or accept the delivery of, or keep in storage any intoxicating liquors *[or nonintoxicating beer]* upon any premises other than those described in his/her license without first having obtained the written permission of the supervisor of *[liquor]* **alcohol and tobacco control**.

(6) No wholesale or retail licensee *[shall]* **may** sell or possess any spirituous liquor in any package or container holding less than fifty (50) milliliters (1.7 ounces) or more than one (1) gallon. No wholesale or retail licensee *[shall]* **may** sell or possess any wine in any package or container holding less than one hundred (100) milliliters (3.4 ounces) or more than fifteen and one-half (15 1/2) gallons.

*[(7) Sale by Minor Prohibited—Exceptions. No person licensed by the supervisor of liquor control to sell intoxicating liquor or nonintoxicating beer in the original package shall employ any person under the age of twenty-one (21) years to sell or assist in the sale or dispensing of intoxicating liquor or nonintoxicating beer except that any business so licensed may employ persons at least eighteen (18) years of age to stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment and sack for carrying out intoxicating liquor or nonintoxicating beer. Employees under the age of twenty-one (21) years may not deliver intoxicating liquor, nor take nonintoxicating beer away from the licensed premises. No person licensed by the supervisor of liquor control to sell intoxicating liquor, or nonintoxicating beer by the drink shall employ any person under the age of twenty-one (21) years to sell or assist in the sale or dispensing of intoxicating liquor, or nonintoxicating beer except that any business so licensed, persons eighteen (18) years of age or older, when acting in the capacity as a waiter or waitress, may accept payment for or serve intoxicating liquor, or nonintoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consist of food. Employees under twenty-one (21) years of age shall not mix or serve across the bar intoxicating beverages or nonintoxicating beer.]*

*[(8)](7)* Licensees who—

(A) Desire to employ persons under the age of twenty-one (21) as authorized by section *[(7)]* **shall make application]** **311.300 RSMo, may apply** to supervisor using forms provided for that purpose; and

(B) Employ persons under the age of twenty-one (21) years as authorized by section *[(7)]* **311.300 RSMo**, who do not have at least fifty percent (50%) of the gross sales consisting of nonalcoholic sales *[shall have an]* **may be permitted if an** employee twenty-one (21) years of age or older **is** on the licensed premises during all hours of operation.

*[(9)](8)* No person licensed by the supervisor of *[liquor]* **alcohol and tobacco control** *[shall use or permit to be used]* **may allow**

upon his/her licensed premises any self-service, coin-operated, mechanical devices, or automatic dispensers for the purpose of selling or dispensing intoxicating liquor *[or nonintoxicating beer]* except as pursuant to section 311.205, RSMo.

*[(10)](9) [No licensee shall permit, upon or about his/her licensed premises, any gambling of any kind or character whatsoever in which the one who plays stands to win or lose money, trade checks, prizes, merchandise or any other consideration whatsoever. No licensee shall have any gambling devices upon his/her licensed premises where money, trade checks, prizes, merchandise or property or any other consideration whatsoever may be won or lost. Notwithstanding the previously mentioned, a]Any licensee may sponsor or allow promotional games [or contests of chance] to be conducted upon his/her licensed premises, provided that—*

*[(A) For purposes of this section, the phrase something of value means any money or property, any token, object or article exchangeable for money or property or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest in them or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;*

*(B) Money or something of value is not required to be given directly or indirectly for the privilege or opportunity of participating in games or contests or for receiving the award or prize from participation;]*

*[(C)](A) The consumption of [i]ntoxicating liquor[, five percent (5%) beer or nonintoxicating beer is] should not be related to or an element of a promotional game or contest either directly or indirectly;*

*(B) Intoxicating liquor may not be a prize of a promotional game or contest either directly or indirectly;*

*[(D)](C) The conduct or playing of games [of bingo] on [licensed] premises [by organizations licensed] approved by the Missouri Gaming Commission to conduct [bingo] games in accordance with Chapter 313, RSMo, [shall] does not constitute gambling or gambling activities when the games are conducted in accordance with Chapter 313, RSMo, and the activity, by itself, [shall] does not constitute a violation of this regulation;*

*[(E)](D) The sale of state lottery tickets or shares on [licensed] premises licensed by the lottery commission to sell lottery tickets or shares to the public [shall] does not [be deemed to] constitute gambling or gambling devices when conducted in accordance with Chapter 313, RSMo and the activity, by itself, [shall] does not constitute a violation of this regulation; and*

*[(F) Pari-mutual wagering on horses at licensed tracks licensed by the Missouri Horse Racing Commission shall not be deemed to constitute gambling or gambling devices when conducted in accordance with Chapter 313, RSMo and this activity on licensed premises, by itself, shall not constitute a violation of this regulation; and]*

*[(G)](E) The giving of door prizes or other gifts by lot or drawing after payment of a price by members or guests of a charitable organization which has obtained an exemption from payment of federal income taxes as provided in Section 501(C)(3) of the Internal Revenue Code of 1954, [shall] does not constitute gambling or gambling devices when conducted on licensed premises by the charitable organization [and that activity, by itself, shall not constitute a violation of this regulation].*

*[(11)](10) No licensee [shall] may employ on or about the licensed premises any person who has been convicted since the ratification of the twenty-first amendment of the Constitution of the United States of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor; [nor shall any licensee employ on or about the licensed premises] or any person who [shall have] has had a license revoked under Chapter 311 [or 312], RSMo, unless*

*five (5) years have passed since the revocation of the license.*

*[(A) No retail licensee shall employ a prohibited felon to any position that involves the direct participation in retail sales of intoxicating liquor. The phrase "direct participation in retail sales" includes the duties of accepting payment, taking orders, delivering, mixing or assisting in the mixing or serving of intoxicating liquor in the capacity of, but not limited to, bar manager, bartender, waiter, waitress, cashier, and sales clerk.*

*(B) A "prohibited felon" is one who has been convicted of a crime under the laws of any state or the United States, where the possible penalty at the time of the offense exceeded one (1) year confinement and the crime involves homicide, assault involving a threat of death or serious injury or actual physical injury, assault upon a law enforcement officer, kidnapping or false imprisonment, any action that would constitute a sexual offense under Chapter 566, RSMo, prostitution, pornography, robbery, arson, stealing, burglary, forgery, counterfeiting, identity theft or false identification, bribery, unlawful use of a weapon, gambling, driving or boating while intoxicated, perjury, fake reports or declarations, the possession, purchase, sale or manufacture of drugs, tax fraud, mail fraud, food stamp fraud, or welfare fraud.*

*(C) Each retail licensee shall report the identify of any employee with a felony conviction to the supervisor of alcohol and tobacco control within ten (10) days of his/her employment and each retail licensee shall notify the supervisor of alcohol and tobacco control within ten (10) days of the employee leaving the licensee's employment, using forms provided by the division for that purpose.*

*(D) If the employee is hired in a position that involves the direct participation in retail sales and is a prohibited felon, the division shall notify the licensee that the employee may not serve in the position involving the direct participation in retail sales upon receipt of notice from the licensee. The licensee will either dismiss the employee or reassign the employee to a position not involving the direct participation in retail sales within ten (10) days of the date notice is received by licensee from the division by regular mail service.*

*(E) If the division determines that an employee involved in the direct participation of retail sales has a felony conviction not listed in subsection (11)(B), above, but believes that the felon's conviction should disqualify the employee from the direct participation in retail sales, the division will notify the licensee within ten (10) days. The licensee will either dismiss the employee, reassign the employee to a position not directly involving the retail sale of intoxicating liquor, or file a written appeal with the division within ten (10) days of receiving notice from the division by regular mail service.*

*(F) If a licensee, or any employee of the licensee acting through the licensee, wishes to appeal a determination by the division that the employee is disqualified from the direct participation in the retail sale of intoxicating liquor as set forth in subsection (11)(E), above, the appeal will be heard by the supervisor or his/her designee within thirty (30) days of the division receiving written notice of the appeal. At the appeal, the division will determine whether the employee's conviction is reasonably related to the competency of the employee to be involved in the direct participation of retail sales. A written determination will be sent to the licensee and employee, if an address is supplied by the employee, within ten (10) days of the appeal.]*

*[(12)](11) No licensee, his/her agent or employee [shall] may sell intoxicating liquor [or nonintoxicating beer] in any place other than that designated on the license or at any other time or in any*



other manner except as authorized by the license.

*[(13)](12)* No licensee *[shall]*, **his/her agent or employee** may permit anyone under the age of twenty-one (21) years of age to consume intoxicating liquor *[or three and two-tenths percent (3.2%) nonintoxicating beer]* upon or about his/her licensed premises.

*[(14)](13)* No licensee, **his/her agent** or employee *[shall]* may allow upon or about the licensed premises solicitation for the purposes of prostitution or other immoral activities by any person.

*[(15)](14)* No licensee, **his/her agent** or employee *[shall]* may possess, store, sell or offer for sale, give away or otherwise dispose of upon or about the licensed premises or permit any person upon or about the licensed premises to possess, store, sell or offer for sale, give away, or otherwise dispose of any controlled substance as defined in Chapter 195, RSMo.

*[(16)]* Except as otherwise provided in any provision of Chapter 311 or 312 relating to Sunday licenses, no holder of a license to sell intoxicating liquor or nonintoxicating beer shall sell, give away or otherwise dispose of any nonintoxicating beer upon or about the licensed premises between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Further, no nonintoxicating beer may be sold, given away or otherwise disposed of, on premises used as a polling place, between the hours of 1:30 a.m. and 7:30 p.m. upon the day of any general or primary election day in this state.]

*[(17)](15)* No licensee, **his/her agent** or employee *[shall]* may mix or pour, or permit to be mixed or poured, any intoxicating liquor *[or nonintoxicating beer]* directly into any person's mouth upon or about the licensed premises.

**AUTHORITY:** section 311.660, RSMo [2000] 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 5, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Alcohol and Tobacco Control at 1738 East Elm Street, Lower Level in Jefferson City, MO 65101, or by facsimile at (573) 526-4540, or via email at [Karen.dorton@dps.mo.gov](mailto:Karen.dorton@dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 70—Division of Alcohol and Tobacco Control  
Chapter 2—Rules and Regulations**

**PROPOSED RESCISSION**

**11 CSR 70-2.200 Salesmen.** This rule defined a salesman, established procedures for obtaining permit, set out rules of conduct and provided penalties for failure to comply with those rules. The division is rescinding this regulation.

**PURPOSE:** This rule is being rescinded as the processing and paperwork to issue salesman permits is timely and costly, yet they are rarely if ever used by the division.

**AUTHORITY:** section 311.660, RSMo Supp. 1989. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Rescinded: Filed June 5, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Alcohol and Tobacco Control at 1738 East Elm Street, Lower Level in Jefferson City, MO 65101, or by facsimile at (573) 526-4540, or via email at [Karen.Dorton@dps.mo.gov](mailto:Karen.Dorton@dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 34—Homeless, Dependent and Neglected  
Children**

**PROPOSED RESCISSION**

**13 CSR 40-34.012 Rates for Foster Care.** This rule established criteria for reimbursement for foster care.

**PURPOSE:** This rule is being rescinded as the rates are outdated and subject to change periodically.

**AUTHORITY:** section 207.020, RSMo 1986. Original rule filed June 28, 1983, effective Nov. 11, 1983. Rescinded: Filed June 8, 2018.

**PUBLIC COST:** The proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 3—Conditions of Provider Participation,  
Reimbursement and Procedure of General Applicability**

**PROPOSED RESCISSION**

**13 CSR 70-3.190 Telehealth Services.** This rule established coverage of the Telehealth spoke site facility fee and defined services considered appropriate for this form of interactive technology from a hub site to a participant spoke site.

**PURPOSE:** *This rule is being rescinded because it has been found to be too restrictive and overly burdensome on providers.*

**AUTHORITY:** *section 208.201, RSMo Supp. 2008. Original rule filed Jan. 2, 2008, effective Aug. 30, 2008. Amended: Filed Feb. 17, 2009, effective Aug. 30, 2009. Rescinded: Filed June 8, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 4—Conditions of Participant Participation,  
Rights and Responsibilities**

**PROPOSED RESCISSION**

**13 CSR 70-4.070 Title XIX Recipient Lock-In Program.** This rule established the regulatory basis for implementation of a method to limit or restrict the use of the recipient's Medicaid identification card to designated providers of medical services.

**PURPOSE:** *This rule is being rescinded as the MO HealthNet Division (MHD) no longer administers this program.*

**AUTHORITY:** *section 208.201, RSMo 2000. This rule was previously filed as 13 CSR 40-81.200. Emergency rule filed July 13, 1981, effective Aug. 1, 1981, expired Oct. 10, 1981. Original rule filed July 13, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 8, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 20—Pharmacy Program**

**PROPOSED RESCISSION**

**13 CSR 70-20.032 List of Excludable Drugs Excluded From Coverage Under the MO HealthNet Pharmacy Program.** This

rule established a listing of excludable drugs or categories for which reimbursement is not available through the MO HealthNet Pharmacy Program.

**PURPOSE:** *This rule is being rescinded as this information is duplicated in 13 CSR 70-20.031.*

**AUTHORITY:** *sections 208.153 and 208.201, RSMo Supp. 2013. Original rule filed Dec. 13, 1991, effective Aug. 6, 1992. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 8, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 20—Pharmacy Program**

**PROPOSED RESCISSION**

**13 CSR 70-20.040 Five Prescription Limit Per Month Per Recipient.** This rule imposed a limitation on the number of prescriptions which may be covered services within a specified time period for each recipient.

**PURPOSE:** *This rule is being rescinded as there is no longer a prescription limit.*

**AUTHORITY:** *sections 208.153, RSMo Supp. 1991 and 208.201, RSMo Supp. 1987. This rule was previously filed as 13 CSR 40-81.012. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 8, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 10—Food Safety and Meat Inspection

### ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 265.020, RSMo 2016, the director amends a rule as follows:

#### 2 CSR 30-10.010 Inspection of Meat and Poultry is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2018 (43 MoReg 386). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights, Measures and Consumer Protection Chapter 30—Petroleum Inspection

### ORDER OF RULEMAKING

By the authority vested in the Weights, Measures and Consumer Protection Division under section 414.142, RSMo 2016, the director amends a rule as follows:

#### 2 CSR 90-30.040 Quality Standards for Motor Fuels is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 667-668). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Weights, Measures and Consumer Protection Division Director received three (3) comments on the proposed amendment.

COMMENT #1: Ryan Rowden, with Missouri Petroleum Council, supported the proposed amendment to extend the effective date until ASTM incorporates changes to the vapor pressure maximums for ethanol blended fuels.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #2: Marla Benyshek, with Phillips 66, supported the elimination of references made to outdated ASTM fuel quality standards stating these references have caused confusion in the past. Ms. Benyshek strongly supported removal of the September 16, 2018, sunset date for the vapor pressure allowance in ethanol blended fuels.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #3: Kyle Kirby, with Missouri Corn Growers Association, supported the updates made to ASTM specifications by adopting the most current version as these specifications are under constant review and are continually being updated. Mr. Kirby supported the removal of sub-octane gasoline and regular leaded gasoline from the rule. Mr. Kirby suggested the removal of the section that grants a one (1) pound vapor pressure allowance for ethanol blends containing nine percent (9%) to ten percent (10%) ethanol as this is duplicative to U.S. EPA's summer time vapor pressure allowance.

RESPONSE: The duplicative language that Mr. Kirby was referring to will be considered in future rulemaking. No changes have been made to the rule as a result of this comment.

## Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 8—Disadvantaged Business Enterprise Program

### ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under sections 226.020, 226.150, 226.900-226.910, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC adopts a rule as follows:

#### 7 CSR 10-8.005 Scope of Rules is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2018 (43 MoReg 252-253). No changes have been made in the proposed rule,

so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** MHTC received six (6) comments on the proposed rule.

**COMMENT #1:** Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one (1) indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

**RESPONSE:** No changes have been made to the rule as a result of this comment.

**COMMENT #2:** Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

**RESPONSE:** No changes have been made to the rule as a result of this comment.

**COMMENT #3:** Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

**RESPONSE:** No changes have been made to the rule as a result of this comment.

**COMMENT #4:** Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

**RESPONSE:** No changes have been made to the rule as a result of this comment.

**COMMENT #5:** Zach Green, President of Delta Companies Inc., Vice President/Treasurer John View III of Leo Journagan Construction Co., Inc., Leonard Toenjes, President of Association of General Contractors (AGC), and Dale Williams, Executive Director of Missouri Asphalt Pavement Association, submitted a comment to amend the rule to state that the DBE Program rules shall not be more restrictive than the federal DBE regulations in the CFRs. AGC suggested the following amended language: "The commission shall not promulgate rules that are stricter than or implement requirements that are stricter than those found in Title 49, *U.S. Code of Federal Regulations*, Part 26."

**RESPONSE:** The commission's new DBE rules adopt and incorporate by reference the federal DBE regulations in Title 49, *Code of Federal Regulations*, Part 26, as the department conducts its DBE Program in compliance with these federal regulations. As a result, there is no need to add language in the rule to prohibit the commission from promulgating rules stricter than federal DBE regulations. No changes have been made to the rule as a result of this comment.

**COMMENT #6:** Green, View, Toenjes, and Williams also submitted a comment to amend this rule to clearly state that restrictive policies and practices in any DBE Program rules will not be inserted into commission state highway system construction contract Job Special Provisions (JSPs) in order to circumvent the rulemaking process or that have the result of making a JSP that is more stringent than federal DBE guidelines and rules.

**RESPONSE:** The commission and department use JSPs in state highway system construction contracts for many reasons. For the JSP relating to DBEs that provide liquid asphalt, it clarifies the liquid asphalt DBE's requirements to comply with the federal DBE regulations, including the DBE's performance of a commercially useful function (CUF) and to assist the prime contractor and the DBE firm to accurately document that the DBE performed its responsibilities under the contract. Failure to provide sufficient documentation may result in the loss of federal funds to Missouri and the possible assessment of liquidated damages on the prime contractor.

The commission's new DBE rule adopts and incorporates by reference the federal DBE regulations in Title 49, *Code of Federal Regulations*, Part 26, as the department shall conduct its DBE Program in compliance with these federal regulations. As a result, there is no need to amend the rule to include language that prohibits the commission from inserting policies and practices more restrictive than federal DBE guidelines and rules into state highway system construction contract JSPs to circumvent the rulemaking process. No changes have been made to the rule as a result of this comment.

Nevertheless, the department intends to reach out to representatives of both prime contractors and the DBE contractor community that work on state highway system construction contracts to explore ways other than through JSPs to implement monitoring procedures to assure prime contractor and DBE compliance with federal DBE rules to demonstrate that DBEs are performing a CUF. A satisfactory alternative monitoring procedure would mean that the department would remove JSPs specifically related to the DBE program from state highway system construction contracts.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

#### **7 CSR 10-8.011 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43

MoReg 253). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

#### **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

#### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation

Commission (MHTC or commission) under sections 226.020, 226.150, 226.900-226.910, RSMo 2016; Title 49 *Code of Federal Regulations* Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC adopts a rule as follows:

7 CSR 10-8.011 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2018 (43 MoReg 253-254). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received five (5) comments on the proposed rule.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #5: Zach Green, President of Delta Companies Inc., Vice President/Treasurer John View III of Leo Journagan Construction Co., Inc., Leonard Toenjes, President of Association of General Contractors, and Dale Williams, Executive Director of Missouri Asphalt Pavement Association, submitted a comment to remove the term “regular dealer” from the definition of “firm” in subsection (1)(I) of this proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: In the federal DBE regulations, Title 49, *Code of Federal Regulations*, Part 26.55, a DBE firm may be a “regular dealer” firm. Because the federal DBE regulations already contemplate DBE firms as a regular dealer firm, subsection (1)(I) of this proposed rule will be changed to remove the term “regular dealer”.

## 7 CSR 10-8.011 Definitions

(1) The Missouri Highways and Transportation Commission (commission) adopts the definitions contained in 49 *Code of Federal Regulations* Section 26.5 except as such words and phrases are given meaning and definition below. The following words and phrases have the meaning and definition stated below, exclusively for the purpose of administering and regulating the Disadvantaged Business Enterprise (DBE) Program established by the commission in this chapter:

(I) “Firm” means DBE. Furthermore, the firm and any fictitious name used by the firm must, to the extent required by Missouri law, be properly registered to do business in Missouri with the Missouri Secretary of State and the Missouri Department of Revenue before that firm may perform work or sell materials or supplies in Missouri as a contractor, subcontractor, or as a DBE firm recognized by MoDOT;

### Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION

#### Division 10—Missouri Highways and Transportation Commission

#### Chapter 8—Disadvantaged Business Enterprise Program

### ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation’s (MoDOT’s or department’s) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

#### 7 CSR 10-8.021 General Information is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 254). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American

Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4–49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O’Kane, L.L.C., a design consultant firm, cited MoDOT’s history of making prompt payments to the firm and MoDOT’s DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT’s DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

### Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION

#### Division 10—Missouri Highways and Transportation Commission

#### Chapter 8—Disadvantaged Business Enterprise Program

### ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation’s (MoDOT’s or department’s) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation,

MHTC rescinds a rule as follows:

**7 CSR 10-8.031 Who Is Governed and Bound by the USDOT and MoDOT DBE Program Regulations is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 254-255). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** MHTC received four (4) comments on the proposed rescission.

**COMMENT #1:** Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #2:** Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #3:** Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #4:** Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**Title 7—MISSOURI DEPARTMENT  
OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 8—Disadvantaged Business Enterprise Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.041 Effective Date of the DBE Program Under 49 CFR Part 26 is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 255). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** MHTC received four (4) comments on the proposed rescission.

**COMMENT #1:** Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #2:** Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #3:** Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies



moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O’Kane, L.L.C., a design consultant firm, cited MoDOT’s history of making prompt payments to the firm and MoDOT’s DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT’s DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation’s (MoDOT’s or department’s) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.051** Procedures and Policies for Initially Certifying and Recertifying Disadvantaged Business Enterprise Firms **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 255). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said

the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O’Kane, L.L.C., a design consultant firm, cited MoDOT’s history of making prompt payments to the firm and MoDOT’s DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT’s DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation’s (MoDOT’s or department’s) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.061** Missouri Unified Certification Program **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 255-256). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the

number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC adopts a rule as follows:

**7 CSR 10-8.061 Missouri Unified Certification Program  
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2018 (43 MoReg 256-257). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rule.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rule as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.071 DBE Program Reporting and Disclosure Requirements for Currently Certified DBE Firms is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 257). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the

company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

**Title 7—MISSOURI DEPARTMENT  
OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 8—Disadvantaged Business Enterprise Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.081 Ineligibility Complaints is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 257). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of

Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O’Kane, L.L.C., a design consultant firm, cited MoDOT’s history of making prompt payments to the firm and MoDOT’s DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT’s DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation’s (MoDOT’s or department’s) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

#### **7 CSR 10-8.091 MoDOT Procedures and Hearings to Remove a Firm’s DBE Eligibility is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 257-258). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O’Kane, L.L.C., a design consultant firm, cited MoDOT’s history of making prompt payments to the firm and MoDOT’s DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT’s DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation’s (MoDOT’s or department’s) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

#### **7 CSR 10-8.101 The Effect of a USDOT Certification Appeal is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 258). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141;

and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

#### **7 CSR 10-8.111 Prompt Payment, Record Keeping and Audit Requirements is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 258). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

**Title 7—MISSOURI DEPARTMENT  
OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 8—Disadvantaged Business Enterprise Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.121 MoDOT DBE Program Annual Goals and Contract Goals is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 258-259). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies

moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

**Title 7—MISSOURI DEPARTMENT  
OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 8—Disadvantaged Business Enterprise Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC adopts a rule as follows:

**7 CSR 10-8.121 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2018 (43 MoReg 259-260). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received nine (9) comments on the proposed rule.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules

in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #5: Zach Green, President of Delta Companies Inc., Vice President/Treasurer John View III of Leo Journagan Construction Co., Inc., Leonard Toenjes, President of Association of General Contractors (AGC), and Dale Williams, Executive Director of Missouri Asphalt Pavement Association, submitted a comment to amend subsection (1)(A) of this proposed rule to require the commission and MoDOT to use the "bidder's list" goal setting methodology, as well as any other allowable methods, as a means to develop the project goals and as an alternative to the current methodology. AGC suggested the following language may be used: "MoDOT will utilize all DBE goal setting methods allowed in Title 49 CFR Part 26.45 and utilize the method that best reflects the current DBE business climate in Missouri."

RESPONSE: While the commission is authorized to consider each DBE goal-setting methodology allowed in the federal DBE regulations (49 CFR Part 26.45), these regulations do not require the commission and department to utilize **all** allowed DBE goal setting methods. Requiring MoDOT to use all DBE goal setting methods would exceed the federal regulations, which the department shall not do. No change has been made to the rule as a result of this comment.

COMMENT #6: Green, View, Toenjes, and Williams submitted a comment to amend subsection (1)(A) of this proposed rule to delete two terms: 1. "legally defensible", as it is arbitrary and any method used outside the federal rules becomes subjective; and 2. "constitutional", as the DBE Program is not a constitutional requirement.

RESPONSE AND EXPLANATION OF CHANGE: Federal appellate caselaw requires any DBE goal-setting methodology to be legally defensible under the U.S. Constitution's equal protection clause (see U.S. Constitution, Amendments 5 and 14). The terms "legally defensible" and "constitutional" are not explicitly mentioned in the federal DBE regulations. The federal DBE regulations (49 CFR Part 26.1) say one of the objectives of the federal regulations is to ensure the DBE program is narrowly tailored according to applicable law. Because the commission rule adopts and incorporates by reference the federal DBE regulations, the commission agrees to remove these terms in subsection (1)(A) of this proposed rule.

COMMENT #7: Green, View, Toenjes, and Williams submitted a

comment to amend subsection (1)(A) of this proposed rule to prescribe a transparent, well-defined, repeatable and objective method to set DBE project goals as the current rules for setting project specific goals are vague.

RESPONSE: The department has provided and will continue to provide education and information sharing forums, workshops and sessions to ensure its project goal setting methodology meets the federal DBE regulations and is transparent, well-defined, objective, and fair. The federal DBE regulations do not expressly state that a state must use a transparent, well-defined, repeatable and objective method to set DBE project goals. The department already uses a method to set goals that is allowed by the federal rules. No change has been made to the rule as a result of this comment.

COMMENT #8: Green, View, Toenjes, and Williams submitted a comment to amend section (1) of this proposed rule to require MoDOT to collect information required to establish the overall Missouri DBE Program goal to expressly include all DBE goal setting methods allowed in Title 49, *Code of Federal Regulations*, Part 26.45, such as a Bidder's List, that best reflect the current DBE business climate bidding on MoDOT and transportation related projects in Missouri.

RESPONSE: The department is currently researching the requirements and tools to collect the necessary information to consider all overall DBE goal setting options. However, the federal DBE regulations do not require a state department of transportation to collect information for all DBE goal setting methods allowed in the federal regulations. No change has been made to the rule as a result of this comment.

COMMENT #9: Green, View, Toenjes, and Williams submitted a comment to delete the language in subsection (1)(B) of this proposed rule that states as follows: "the effects of discrimination on opportunities for DBEs, and MoDOT's efforts to establish a level playing field for the participation of DBE firms in USDOT assisted contracts pertaining to highway, transit and airport financial assistance programs." This deletion is needed because it does not relate to the context of the sentence/paragraph.

RESPONSE AND EXPLANATION OF CHANGE: There are several objectives of the federal DBE program. Title 49 CFR Part 26.2, lists two such objectives: 1) create a level playing field for DBEs to compete fairly for DOT-assisted contracts; and 2) ensure nondiscrimination in the award and administration of DOT-assisted contracts in highway, transit, and airport financial assistance programs. Deletion of the language in subsection (1)(B) as proposed by the public comment would be inconsistent with the objectives cited in the federal DBE regulations. But the language in the proposed new rule needs further amendment to make the rule consistent with the federal DBE regulation objectives. So a change has been made to the rule as a result of this comment.

## 7 CSR 10-8.121 MoDOT DBE Program Goals, Contract Goals

### (1) Overall Program Goal.

(A) Amount of Goal. Missouri Department of Transportation (MoDOT) may use an interim goal-setting mechanism while it updates its availability calculations to set its Disadvantaged Business Enterprise (DBE) goals. MoDOT may consult with economic and statistical experts to assist in adopting a goal-setting methodology that best meets the requirements of narrow tailoring in setting MoDOT's overall DBE goal.

### (B) Goal-Setting Process.

1. MoDOT will submit its overall DBE Program goal to the United States Department of Transportation (USDOT) on August 1 at three (3) year intervals, based on a schedule established by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or Federal Aviation Administration (FAA), as applicable. Before establishing the overall goal, MoDOT will consult



with minority, female, and general contractor groups, community organizations, and other officials or organizations. These groups include any organization or individuals necessary to obtain information that:

A. Reveals the availability of disadvantaged and non-disadvantaged businesses;

B. Ensures non-discrimination on opportunities for DBEs; and

C. Assists MoDOT's efforts to establish a level playing field for the participation of DBE firms in USDOT assisted contracts pertaining to highway, transit, and airport financial assistance programs. MoDOT will publish the proposed overall goal in general circulation, minority and female focused publications, trade association publications, and the MoDOT website. MoDOT will publish a notice of its goal-setting process by June 1 of any year an overall goal is being set, at three (3) year intervals, in order to allow thirty (30) days for inspection and public comment.

2. Following this consultation, MoDOT will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the headquarters office for thirty (30) days following the date of the notice. MoDOT and the USDOT will accept comments on the goals for forty-five (45) days from the date of the notice. MoDOT will plan to issue the notice by June 1 of any year an overall goal is being set, at three (3) year intervals. The notice will include addresses to which comments may be sent and addresses, including office and website addresses where the proposal may be reviewed. MoDOT will begin using the overall goal on October 1 of any year an overall goal is being set, at (3) year intervals, unless other instructions have been received from USDOT.

3. MoDOT will include a summary of information and comments received during this public participation process and MoDOT's responses in the overall goal submission to the USDOT.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

#### **7 CSR 10-8.131 DBE Participation Credit Toward Project or Contract Goals is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 260). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American

Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

## **Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**

### **Division 10—Missouri Highways and Transportation Commission**

#### **Chapter 8—Disadvantaged Business Enterprise Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation,

MHTC rescinds a rule as follows:

**7 CSR 10-8.141 USDOT-Assisted DBE Contract Awards and Good Faith Efforts is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 260). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** MHTC received four (4) comments on the proposed rescission.

**COMMENT #1:** Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #2:** Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #3:** Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #4:** Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**Title 7—MISSOURI DEPARTMENT  
OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 8—Disadvantaged Business Enterprise Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation's (MoDOT's or department's) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.151 Performance of a Commercially Useful Function by a DBE Firm is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 260-261). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** MHTC received six (6) comments on the proposed rescission.

**COMMENT #1:** Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #2:** Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

**RESPONSE:** No changes have been made to the rescission as a result of this comment.

**COMMENT #3:** Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies

moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O’Kane, L.L.C., a design consultant firm, cited MoDOT’s history of making prompt payments to the firm and MoDOT’s DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT’s DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #5: Zach Green, President of Delta Companies Inc., Vice President/Treasurer John View III of Leo Journagan Construction Co., Inc., Leonard Toenjes, President of Association of General Contractors, and Dale Williams, Executive Director of Missouri Asphalt Pavement Association, submitted a comment that the commission should not rescind 7 CSR 10-8.151. Instead, this rule should be retained and amended to: 1) clearly define the prime contractor’s responsibility in regard to a DBE performing a commercially useful function (CUF), except the rule should not be more onerous than the CFRs; 2) identify the entity that is assessed damages when a qualified DBE knowingly and willingly violates the DBE Program rules as the current DBE Program is very onerous to the prime contractor; and 3) add language that says when MoDOT evaluates whether to certify a DBE under the Program, MoDOT shall ensure the DBE fully understands the Program requirements and the consequences when not performing a CUF.

RESPONSE: The commission and department’s proposed new rules adopt and incorporate by reference the federal DBE regulations at Title 49, CFR Part 26 into the new rules. The issues raised in this comment are already addressed in the federal DBE regulations. No changes have been made to the rescission as a result of this comment.

COMMENT #6: Green, View, and Williams also submitted a comment to amend this rule or 7 CSR 10-8.005 to clearly state that restrictive policies and practices in any DBE Program rules will not be inserted into commission state highway system construction contract Job Special Provisions (JSPs) in order to circumvent the rulemaking process.

RESPONSE: The commission and department use JSPs in state highway system construction contracts for many reasons. For the JSP relating to DBEs that provide liquid asphalt, it clarifies the liquid asphalt DBE’s requirements to comply with the federal DBE regulations, including the DBE’s performance of a commercially useful function (CUF) and to assist the prime contractor and the DBE firm to accurately document that the DBE performed its responsibilities under the contract. Failure to provide sufficient documentation may result in the loss of federal funds to Missouri and the possible assessment of liquidated damages on the prime contractor.

The commission’s new DBE rule adopts and incorporates by reference the federal DBE regulations in Title 49, *Code of Federal Regulations*, Part 26, as the department shall conduct its DBE Program in compliance with these federal regulations. As a result, there is no need to amend the rule to include language that prohibits the commission from inserting policies and practices more restrictive than federal DBE guidelines and rules into state highway system construction contract JSPs to circumvent the rulemaking process. No changes have been made to the rescission as a result of this comment.

Nevertheless, the department intends to reach out to representatives of both prime contractors and the DBE contractor community that work on state highway system construction contracts to explore ways other than through JSPs to implement monitoring procedures to assure prime contractor and DBE compliance with federal DBE rules to demonstrate that DBEs are performing a CUF. A satisfactory alter-

native monitoring procedure would mean that the department would remove JSPs specifically related to the DBE program from state highway system construction contracts.

**Title 7—MISSOURI DEPARTMENT  
OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 8—Disadvantaged Business Enterprise Program  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission (MHTC or commission) under section 226.150, RSMo 2016; Title 49 *Code of Federal Regulations* (CFR) Part 26; Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, Public Law (P.L.) 105-178, 112 Stat. 107, 113; The Moving Ahead for Progress in the 21st Century Act, P.L. 112-141; and the Missouri Department of Transportation’s (MoDOT’s or department’s) approved Disadvantaged Business Enterprise (DBE) Program submittals to the U.S. Department of Transportation, MHTC rescinds a rule as follows:

**7 CSR 10-8.161 Confidentiality of DBE Program Financial and Other Information is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 261). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: MHTC received four (4) comments on the proposed rescission.

COMMENT #1: Bruce Wylie, President and CEO of American Council of Engineering Companies (ACEC) of Missouri, noted that the MoDOT DBE Program has had great success in growing the number of minority and woman-owned firms, and in growing the capacity of those firms to provide engineering services in Missouri. ACEC supports the DBE rules as proposed and noted that one indicator of the success of the MoDOT DBE Program is the growth in the number of DBE firms (from ten (10) in 2009 to sixteen (16) in 2011 and to twenty-four (24) in 2016) that are ACEC-Missouri members.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #2: Linda Moen, President of EFK Moen, a civil engineering design firm, stated her twenty- (20-) year old firm has directly seen the benefits of the DBE program in the industry and has contributed to the success of the firm, which has grown from four to forty-nine (4-49) people and from two hundred thousand dollars (\$200,000) in revenue to over \$7,000,000 in revenue. Moen also said the firm has gone from an incubator start-up to a prime consultant that hires DBE firms as sub-consultants. Moen said MoDOT staff has educated her firm on the intent of the DBE program and the rules in which her firm must comply to participate as a DBE. Moen applauded MoDOT for implementing a very successful DBE program in Missouri.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #3: Gretchen Ivy, Vice President and Director of Transportation Planning with HNTB Corporation, wrote that she supports the DBE Mentor-Protégé program and HNTB has found the

DBE Program to be a very effective way to form new relationships with DBE firms that have not historically worked with MoDOT. Ivy wrote the DBE program has helped many small MBE/WBE firms establish a strong reputation in engineering and contracting industries, and that they had noticed a trend of those small companies moved from being DBE partners as sub-consultants to prime consultants.

RESPONSE: No changes have been made to the rescission as a result of this comment.

COMMENT #4: Amanda Bush, of Leigh & O'Kane, L.L.C., a design consultant firm, cited MoDOT's history of making prompt payments to the firm and MoDOT's DBE goals as having helped the company grow its bridge design business, including hiring more staff. Without MoDOT's DBE goals, the firm would not have had the opportunity to gain experience and develop a working relationship with MoDOT.

RESPONSE: No changes have been made to the rescission as a result of this comment.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 30—Certification Standards**  
**Chapter 3—Substance Use Disorder Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health amends a rule as follows:

**9 CSR 30-3.201 Substance Abuse Traffic Offender Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 673–675). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 30—Certification Standards**  
**Chapter 3—Substance Use Disorder Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health amends a rule as follows:

**9 CSR 30-3.202 SATOP Administration and Service Documentation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 675–678). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 30—Certification Standards**  
**Chapter 3—Substance Use Disorder Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health amends a rule as follows:

**9 CSR 30-3.204 SATOP Personnel is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 678–680). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 30—Certification Standards**  
**Chapter 3—Substance Use Disorder Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health amends a rule as follows:

**9 CSR 30-3.206 SATOP Structure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 680–686). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 30—Certification Standards**  
**Chapter 3—Substance Use Disorder Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, the Department of Mental Health amends a rule as follows:

**9 CSR 30-3.208 SATOP Supplemental Fee is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 686–687). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 1—Organization**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.365, 260.370, and 260.400 RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-1.010 Organization is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 265–266). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.900 and 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.010 Applicability is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 266). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.900 and 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.020 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 266). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905, 260.935, and 260.940, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.030 Registration and Surcharges is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 266–267). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.955, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.040 Reporting and Record Keeping is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 267). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.910, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.050 Reporting of Releases and Existing  
Contamination is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 267). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.060 Site Prioritization and Completion is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 267-268). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.070 Closure of Facilities is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 268). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.080 Site Characterization and Corrective Action  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 268). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.090 Application Procedures is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 268-269). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment

period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.925, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.100 Participation and Eligibility for Funding  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 269). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.925, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.110 Eligible Costs is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 269). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.925, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.120 Payment of Deductible and Limits on Payments  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 269–270). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.945, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.130 Suspension of Collection of Surcharges;  
Reinstatement is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 270). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:



**10 CSR 25-17.140 General Reimbursement Procedures is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 270). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund****ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.905, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.150 Claims is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 270-271). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund****ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.925, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.160 Notification of Abandoned Sites is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 271). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no

comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 17—Dry-Cleaning Environmental Response  
Trust Fund****ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.905 and 260.910, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 25-17.170 Violations of Dry Cleaning Remediation Laws is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 271). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 26—Petroleum and Hazardous Substance  
Storage Tanks  
Chapter 1—Underground and Aboveground Storage  
Tanks—Organization****ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 536.021, RSMo 2016, the commission hereby rescinds a rule as follows:

**10 CSR 26-1.010 Organization is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 271-272). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rescission was held on March 22, 2018, and the public comment period ended on March 29, 2018. At the public hearing Department of Natural Resources staff explained the proposed rescission and no comments were received, either at the public hearing or in writing by the comment deadline.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 15—Division of Senior and Disability Services  
Chapter 3—Service Credit Program (Older Volunteer  
Service Bank)****ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 208.300–208.305, RSMo 2016, the department rescinds a rule as follows:

**19 CSR 15-3.010 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 279). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 15—Division of Senior and Disability Services  
Chapter 3—Service Credit Program (Older Volunteer  
Service Bank)**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 208.300–208.305, RSMo 2016, the department rescinds a rule as follows:

**19 CSR 15-3.020 Sponsoring Agencies is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 279–280). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 15—Division of Senior and Disability Services  
Chapter 3—Service Credit Program (Older Volunteer  
Service Bank)**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 208.300–208.305, RSMo 2016, the department rescinds a rule as follows:

**19 CSR 15-3.030 Volunteers is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 280). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 15—Division of Senior and Disability Services  
Chapter 3—Service Credit Program (Older Volunteer  
Service Bank)**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 208.300–208.305, RSMo 2016, the department rescinds a rule as follows:

**19 CSR 15-3.040 Service Credits is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 280). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 15—Division of Senior and Disability Services  
Chapter 3—Service Credit Program (Older Volunteer  
Service Bank)**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 208.300–208.305, RSMo 2016, the department rescinds a rule as follows:

**19 CSR 15-3.050 Redemption of Credits is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 280). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 15—Division of Senior and Disability Services  
Chapter 4—Older Americans Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under section 660.050, RSMo 2016, the department rescinds a rule as follows:

**19 CSR 15-4.030 Governor's Advisory Council on Aging  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 280–281). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 15—Division of Senior and Disability Services  
Chapter 4—Older Americans Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under section 660.050, RSMo 2016, the department rescinds a rule as follows:

**19 CSR 15-4.310 Corporate Eldercare is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 281). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 40—Comprehensive Emergency Medical Services  
Systems Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 190.176 and 190.185, RSMo 2016, and section 190.241, RSMo Supp. 2017, the department amends a rule as follows:

**19 CSR 30-40.420 Trauma Center Designation Requirements  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2018 (43 MoReg 546–551). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 40—Comprehensive Emergency Medical Services  
Systems Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 190.185 and 192.006, RSMo 2016, and section 190.241, RSMo Supp. 2017, the department amends a rule as follows:

**19 CSR 30-40.750 ST-Segment Elevation Myocardial Infarction  
(STEMI) Center Designation Application and Review is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2018 (43 MoReg 551–555). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 70—Lead Abatement and Assessment Licensing,  
Training Accreditation**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 701.301 and 701.312, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 30-70.200 Application Process and Requirements for the  
Licensure of Risk Assessors Who Possessed a Valid Missouri Lead  
Inspector License on August 28, 1998 is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 281). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 40—Division of Maternal, Child and  
Family Health  
Chapter 10—Forensic Examinations for Sexual Assault**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 40-10.010 Payments for Sexual Assault Forensic  
Examinations is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 281). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 50—Division of Injury Prevention, Head  
Injury Rehabilitation and Local Health Services  
Chapter 3—Legal Expense Fund Coverage**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 105.711, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 50-3.010 Volunteer Health Care Workers in a School  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43

MoReg 282). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 50—Division of Injury Prevention, Head  
Injury Rehabilitation and Local Health Services  
Chapter 10—Missouri Rehabilitation Center**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 50-10.010 Standard Means Test for Patients is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 282). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 50—Division of Injury Prevention, Head  
Injury Rehabilitation and Local Health Services  
Chapter 10—Missouri Rehabilitation Center**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 50-10.020 Patient Rights Regarding Health Care Decisions  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 282). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.010 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 282–283). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.020 Eligibility and Application Process is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 283). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.030 General Payment Provisions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 283). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.040 Claimant's Responsibilities is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 283). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES****Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors****ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.050 Process for Reenrollment into the Program  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 283–284). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES****Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors****ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.060 Authorized Agent is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 284). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES****Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors****ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a

rule as follows:

**19 CSR 90-1.070 Program Identification Card is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 284). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES****Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors****ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.080 Termination from the Program is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 284–285). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES****Division 90—Missouri Senior Rx Program  
Chapter 1—Eligible Seniors****ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-1.090 Appeal Process is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 285). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES****Division 90—Missouri Senior Rx Program  
Chapter 2—Participating Pharmacies****ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior

Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-2.010 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 285). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 2—Participating Pharmacies  
ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-2.020 Eligibility and Application Process is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 285). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 2—Participating Pharmacies  
ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-2.030 Responsibilities of Enrolled Participating  
Pharmacies is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 285–286). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 2—Participating Pharmacies  
ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-2.040 Termination or Suspension from the Program  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 286). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 2—Participating Pharmacies  
ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 192.006, RSMo 2016, the director rescinds a rule as follows:

**19 CSR 90-2.050 Appeal Process is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 286). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2220—State Board of Pharmacy  
Chapter 4—Fees Charged by the Board of Pharmacy  
ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.020, 338.035, 338.040, 338.060, 338.070, 338.140, 338.185, 338.220, 338.230, 338.270, 338.280, 338.335 and 338.350, RSMo 2016, the board amends a rule as follows:

**20 CSR 2220-4.010 General Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2018 (43 MoReg 699–701). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division [40] 35—[Family Support] Children's Division**  
**Chapter 73—[Licensing of] Child Placing Agencies**

**IN ADDITION**

As a result of Executive Order 17-03, the Department of Social Services is transferring rules from the Family Support Division to the Children's Division. Effective June 30, 2018, the following rules are transferred from the Family Support Division to the Children's Division, with the chapter number and name staying the same.

**13 CSR [40] 35-73.017** Hearings and Judicial Review  
**13 CSR [40] 35-73.020** Organization and Administration  
**13 CSR [40] 35-73.055** Health Care

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review  
Committee**  
**Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for September 10, 2018. These applications are available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**6/27/2018**

**#5603 HS:** Saint Luke's Hospital of Kansas City  
Kansas City (Jackson County)  
\$2,640,000, Add Additional Robotic Surgery System

**6/28/2018**

**#5604 HS:** Mercy Hospital St. Louis  
St. Louis (St. Louis County)  
\$28,113,949, Acquire Proton Therapy System

**#5608 HS:** Lester E. Cox Medical Center  
Springfield (Greene County)  
\$2,083,000, Add Additional Robotic Surgery System

**#5609 HS:** Lester E. Cox Medical Center  
Springfield (Greene County)  
\$1,036,431, Add Additional Electrophysiology (EP) Camera

**6/29/2018**

**#5597 RS:** The Villas of Jackson  
Jackson (Cape Girardeau County)  
\$3,115,000, Add 18 ALF beds

**#5602 RS:** Auburn Ridge Living Center  
Wardsville (Cole County)  
\$1,710,000, Establish 24-bed RCF

**#5605 HS:** Barnes-Jewish Hospital  
St. Louis (St. Louis City)  
\$1,570,019, Replace CT Scanner

**#5612 NS:** CorrectLife Fulton  
Fulton (Callaway County)  
\$18,520,565, Establish 150-bed SNF

**#5607 HS:** St. Luke's Episcopal Presbyterian Hospitals  
Chesterfield (St. Louis County)  
\$1,753,271, Add Additional Hybrid Electrophysiology Procedure Lab

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 1, 2018. All written requests and comments should be sent to—

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
PO Box 570  
Jefferson City, MO 65102  
For additional information contact Karla Houchins at (573) 751-6700.



**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2016, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [adrules.dissolutions@sos.mo.gov](mailto:adrules.dissolutions@sos.mo.gov).

## **NOTICE OF WINDING UP OF LIMITED PARTNERSHIP**

**NOTICE OF WINDING UP OF LIMITED PARTNERSHIP TO ALL CREDITORS OF AND CLAIMANTS AGAINST WILLIMANN REALTY INVESTMENTS L.P., a Missouri Limited Partnership.**

On May 23, 2018, Willimann Realty Investments, L.P., a Missouri Limited Partnership, filed its Cancellation of Registration of Limited Partnership with the Missouri Secretary of State. Cancellation was effective on the date of filing of the Cancellation of Registration of Limited Partnership. Said limited partnership requests that all persons and organizations with claims against it present them immediately by letter to: Steven P. Kuenzel, Esq., at 200 West Main Street, 2<sup>nd</sup> Floor, P. O. Box 228, Washington, MO 63090.

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; the date(s) on which the event(s) on which the claim is based occurred; and a brief description of the facts surrounding the claim.

**NOTICE:** Because of the dissolution of Willimann Realty Investments, L.P any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

## **“NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY**

**TO ALL CREDITORS AND CLAIMANTS AGAINST TREADWELL RESTAURANTS OF LA, LLC, a Missouri limited liability company (the “Company”):**

You are hereby notified that dissolution of the Company was authorized by the member on June 4, 2018. All persons having claims against the Company must present their claims in writing and mail their claims to:

James M. Treadwell  
P.O. Box 858  
Ozark, MO 65721

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) the name, address and telephone number of the claimant; (b) the amount claimed; (c) a description of the nature of the debt or the basis of the claim; (d) the date or dates the claim accrued; and (e) if the claim is founded on a writing, a copy of the writing.”

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

To: All creditors of and claimants against MARY MURPHY, LLC, a Missouri limited liability company, ("Company").

On June 5, 2018, MARY MURPHY, LLC, Charter Number LC1154878, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the c/o Gayle Evans, Attorney at Law, Chinnery Evans & Nail, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of MARY MURPHY, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST MARY MURPHY, LLC, WILL BE BARRED  
UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS  
COMMENCED WITHIN THREE YEARS AFTER THE  
PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY****TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
PCS DRUG SCREENING, LLC**

On February 15, 2018, PCS Drug Screening, LLC, a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding Up with the Missouri Secretary of State, effective upon filing.

Any claims against the Company must be sent to George Thompson, 59 North Lake Drive, Cape Girardeau, Missouri 63701. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

**Notice of Corporate Dissolution  
To All Creditors of and  
Claimants Against  
Sansone Development Company, Inc.**

On June 7, 2018, Sansone Development Company, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State, effective on June 7, 2018. Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation c/o Bridget Nave, Blitz, Bardgett & Deutsch, L.C., 120 S. Central, Suite 1500, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which provided the basis of the claim; and documentation of the claim.

NOTICE: BECAUSE OF THE DISSOLUTION OF SANSONE DEVELOPMENT COMPANY, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER THE PUBLICATION DATE OF WHICHEVER OF THE NOTICES REQUIRED BY STATUTE IS PUBLISHED LAST.

**NOTICE OF CORPORATION DISSOLUTION**

To: All creditors of and claimants against TUGGLE FARMS, INC.

On June 12, 2018, TUGGLE FARMS, INC., a Missouri corporation, Charter Number **00145696**, was dissolved pursuant to the filing of Articles of Dissolution by the Corporation Division, Missouri Secretary of State.

All persons or organizations having claims against TUGGLE FARMS, INC., are required to present them immediately in writing to:

Gayle Evans, Attorney at Law  
CHINNERY EVANS & NAIL, P.C.  
800 NE Vanderbilt Lane  
Lee's Summit, MO 64064

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST TUGGLE FARMS, INC., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF CORPORATE DISSOLUTION  
TO ALL CREDITORS OF AND  
CLAIMANTS AGAINST  
DOYEL AND COMPANY, INC.**

On June 13, 2018, DOYEL AND COMPANY, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on December 21, 2017.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

DOYEL AND COMPANY, INC.  
Attn: Sherrie Doyel  
6420 Etzel  
St. Louis, MO 63133

Or

Caroline N. Leritz, Esq.  
Sandberg Phoenix & von Gontard P.C.  
600 Washington Ave – 15<sup>th</sup> Floor  
St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of DOYEL AND COMPANY, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST MONACO GROUP LLC**

On May 29, 2018, Monaco Group LLC, a Missouri Limited Liability Company (the "Company") filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Such notice was effective on May 29, 2018.

If you believe that you have a claim against the Company, you must submit a written claim to Christian B. Peper, Jr., 3878 Connecticut Street, St. Louis, Mo. 63116. Claims must include (1) the name, address and phone number of the claimant; (2) the amount claimed; (3) the basis of the claim; (4) the date the claim arose; and, (5) any documentation in support of the claim.

Pursuant to Section 347.141 RSMo., any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—42 (2017) and 43 (2018). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				42 MoReg 1849
1 CSR 50-5.010	Missouri Ethics Commission	43 MoReg 1121	43 MoReg 522	43 MoReg 1475	
1 CSR 50-5.020	Missouri Ethics Commission	43 MoReg 1121	43 MoReg 522	43 MoReg 1475	
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-1.010	Ag Business Development		43 MoReg 1258		
2 CSR 10-2.010	Market Development		43 MoReg 666R		
2 CSR 10-3.010	Market Development		43 MoReg 666R		
2 CSR 10-4.010	Market Development		43 MoReg 666R		
2 CSR 10-5.010	Market Development		43 MoReg 667R		
2 CSR 10-5.015	Market Development		43 MoReg 667R		
2 CSR 20-1.010	Administrative Services		43 MoReg 1417R		
2 CSR 20-3.010	Administrative Services ( <i>Changed to 2 CSR 110-4.010</i> )		43 MoReg 1417		
2 CSR 20-3.020	Administrative Services ( <i>Changed to 2 CSR 110-4.020</i> )		43 MoReg 1418		
2 CSR 20-3.030	Administrative Services ( <i>Changed to 2 CSR 110-4.030</i> )		43 MoReg 1418		
2 CSR 20-3.040	Administrative Services ( <i>Changed to 2 CSR 110-4.040</i> )		43 MoReg 1418		
2 CSR 20-3.050	Administrative Services		43 MoReg 1419R		
2 CSR 30-10.010	Animal Health	43 MoReg 385	43 MoReg 386	This Issue	
2 CSR 50-1.010	Fairs		43 MoReg 1258R		
2 CSR 50-2.010	Fairs		43 MoReg 1259R		
2 CSR 50-3.020	Fairs		43 MoReg 1259R		
2 CSR 50-4.010	Fairs		43 MoReg 1259R		
2 CSR 50-5.010	Fairs		43 MoReg 1259R		
2 CSR 50-6.010	Fairs		43 MoReg 1260R		
2 CSR 50-6.020	Fairs		43 MoReg 1260R		
2 CSR 50-6.030	Fairs		43 MoReg 1260R		
2 CSR 50-6.040	Fairs		43 MoReg 1260R		
2 CSR 50-7.010	Fairs		43 MoReg 1261R		
2 CSR 60-1.010	Grain Inspection and Warehousing		43 MoReg 1419		
2 CSR 60-2.010	Grain Inspection and Warehousing		43 MoReg 1420R		
2 CSR 60-4.016	Grain Inspection and Warehousing		43 MoReg 1420R		
2 CSR 60-4.045	Grain Inspection and Warehousing		43 MoReg 1420R		
2 CSR 60-4.060	Grain Inspection and Warehousing		43 MoReg 1420R		
2 CSR 60-4.070	Grain Inspection and Warehousing		43 MoReg 1421R		
2 CSR 60-4.080	Grain Inspection and Warehousing		43 MoReg 1421		
2 CSR 60-4.090	Grain Inspection and Warehousing		43 MoReg 1421R		
2 CSR 60-4.120	Grain Inspection and Warehousing		43 MoReg 1422		
2 CSR 60-4.130	Grain Inspection and Warehousing		43 MoReg 1422		
2 CSR 60-4.170	Grain Inspection and Warehousing		43 MoReg 1422		
2 CSR 60-5.040	Grain Inspection and Warehousing		43 MoReg 1422R		
2 CSR 70-1.010	Plant Industries		This Issue		
2 CSR 70-10.080	Plant Industries		This Issue		
2 CSR 70-11.020	Plant Industries		This IssueR		
2 CSR 70-11.030	Plant Industries		This IssueR		
2 CSR 70-11.050	Plant Industries		This IssueR		
2 CSR 70-12.010	Plant Industries		This IssueR		
2 CSR 70-15.035	Plant Industries		This IssueR		
2 CSR 70-15.045	Plant Industries		This Issue		
2 CSR 70-16.010	Plant Industries		This IssueR		
2 CSR 70-16.015	Plant Industries		This IssueR		
2 CSR 70-16.020	Plant Industries		This IssueR		
2 CSR 70-16.025	Plant Industries		This IssueR		
2 CSR 70-16.030	Plant Industries		This IssueR		
2 CSR 70-16.035	Plant Industries		This IssueR		
2 CSR 70-16.040	Plant Industries		This IssueR		
2 CSR 70-16.045	Plant Industries		This IssueR		
2 CSR 70-16.050	Plant Industries		This IssueR		
2 CSR 70-16.055	Plant Industries		This IssueR		
2 CSR 70-16.060	Plant Industries		This IssueR		
2 CSR 70-16.065	Plant Industries		This IssueR		
2 CSR 70-16.070	Plant Industries		This IssueR		
2 CSR 70-16.075	Plant Industries		This IssueR		
2 CSR 70-25.070	Plant Industries		This IssueR		
2 CSR 70-35.010	Plant Industries		This Issue		
2 CSR 70-35.031	Plant Industries		This IssueR		
2 CSR 70-40.005	Plant Industries		This IssueR		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
2 CSR 70-40.015	Plant Industries		This IssueR		
2 CSR 70-40.016	Plant Industries		This IssueR		
2 CSR 70-40.017	Plant Industries		This IssueR		
2 CSR 70-40.025	Plant Industries		This IssueR		
2 CSR 70-40.040	Plant Industries		This IssueR		
2 CSR 70-40.050	Plant Industries		This IssueR		
2 CSR 70-40.055	Plant Industries		This IssueR		
2 CSR 80-2.001	State Milk Board ( <i>Changed from 2 CSR 80-2.180</i> )		43 MoReg 1136		
2 CSR 80-2.002	State Milk Board ( <i>Changed from 2 CSR 80-2.181</i> )		43 MoReg 1137		
2 CSR 80-2.003	State Milk Board		43 MoReg 1126		
2 CSR 80-2.010	State Milk Board		43 MoReg 1126R		
2 CSR 80-2.020	State Milk Board		43 MoReg 1127		
2 CSR 80-2.030	State Milk Board		43 MoReg 1127		
2 CSR 80-2.040	State Milk Board		43 MoReg 1128R		
2 CSR 80-2.050	State Milk Board		43 MoReg 1128R		
2 CSR 80-2.060	State Milk Board		43 MoReg 1128R		
2 CSR 80-2.070	State Milk Board		43 MoReg 1128		
2 CSR 80-2.080	State Milk Board		43 MoReg 1133R		
2 CSR 80-2.091	State Milk Board		43 MoReg 1134R		
2 CSR 80-2.101	State Milk Board		43 MoReg 1134R		
2 CSR 80-2.110	State Milk Board		43 MoReg 1134R		
2 CSR 80-2.121	State Milk Board		43 MoReg 1135R		
2 CSR 80-2.130	State Milk Board		43 MoReg 1135R		
2 CSR 80-2.141	State Milk Board		43 MoReg 1135R		
2 CSR 80-2.151	State Milk Board		43 MoReg 1135R		
2 CSR 80-2.161	State Milk Board		43 MoReg 1136R		
2 CSR 80-2.170	State Milk Board		43 MoReg 1136R		
2 CSR 80-2.180	State Milk Board ( <i>Changed to 2 CSR 80-2.001</i> )		43 MoReg 1136		
2 CSR 80-2.181	State Milk Board ( <i>Changed to 2 CSR 80-2.002</i> )		43 MoReg 1137		
2 CSR 80-2.190	State Milk Board		43 MoReg 1137		
2 CSR 80-3.010	State Milk Board		43 MoReg 1139		
2 CSR 80-3.060	State Milk Board		43 MoReg 1139		
2 CSR 80-3.120	State Milk Board		43 MoReg 1139		
2 CSR 80-3.130	State Milk Board		43 MoReg 1139R		
2 CSR 80-4.010	State Milk Board		43 MoReg 1140		
2 CSR 80-5.010	State Milk Board		43 MoReg 1140		
2 CSR 80-6.011	State Milk Board		43 MoReg 1141		
2 CSR 80-6.021	State Milk Board		43 MoReg 1141		
2 CSR 80-6.041	State Milk Board		43 MoReg 1142		
2 CSR 90-10	Weights, Measures and Consumer Protection				42 MoReg 1203
2 CSR 90-30.040	Weights, Measures and Consumer Protection		43 MoReg 667	This Issue	
2 CSR 100-2.010	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-2.030	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-2.050	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-3.010	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-3.020	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-3.030	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-3.040	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-3.050	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-4.010	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-4.020	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-4.030	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-4.040	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-4.050	Missouri Agricultural and Small Business Development Authority		This IssueR		
2 CSR 100-10.010	Missouri Agricultural and Small Business Development Authority		This Issue		
2 CSR 110-1.010	Office of the Director		43 MoReg 1423R		
2 CSR 110-2.010	Office of the Director		43 MoReg 1423R		
2 CSR 110-4.010	Office of the Director ( <i>Changed from 2 CSR 20-3.010</i> )		43 MoReg 1417		
2 CSR 110-4.020	Office of the Director ( <i>Changed from 2 CSR 20-3.020</i> )		43 MoReg 1418		
2 CSR 110-4.030	Office of the Director ( <i>Changed from 2 CSR 20-3.030</i> )		43 MoReg 1418		
2 CSR 110-4.040	Office of the Director ( <i>Changed from 2 CSR 20-3.040</i> )		43 MoReg 1418		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.200	Conservation Commission		43 MoReg 523	43 MoReg 1342	
3 CSR 10-7.410	Conservation Commission		43 MoReg 523	43 MoReg 1342	
3 CSR 10-7.433	Conservation Commission		N.A.	43 MoReg 1475	

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3 CSR 10-7.434	Conservation Commission		N.A.	43 MoReg 1476	
3 CSR 10-7.435	Conservation Commission		N.A.	43 MoReg 1476	
3 CSR 10-7.437	Conservation Commission		N.A.	43 MoReg 1477	
3 CSR 10-7.455	Conservation Commission				43 MoReg 93
3 CSR 10-9.105	Conservation Commission		43 MoReg 524	43 MoReg 1342	
3 CSR 10-9.442	Conservation Commission		43 MoReg 527	43 MoReg 1342	
3 CSR 10-10.705	Conservation Commission		43 MoReg 528	43 MoReg 1343	
3 CSR 10-12.109	Conservation Commission		43 MoReg 528	43 MoReg 1343	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 240-3.105	Public Service Commission		43 MoReg 979R		
4 CSR 240-3.110	Public Service Commission		This IssueR		
4 CSR 240-3.115	Public Service Commission		This IssueR		
4 CSR 240-3.120	Public Service Commission		This IssueR		
4 CSR 240-3.125	Public Service Commission		This IssueR		
4 CSR 240-3.161	Public Service Commission		43 MoReg 1423R		
4 CSR 240-3.165	Public Service Commission		This IssueR		
4 CSR 240-3.210	Public Service Commission		This IssueR		
4 CSR 240-3.215	Public Service Commission		This IssueR		
4 CSR 240-3.220	Public Service Commission		This IssueR		
4 CSR 240-3.225	Public Service Commission		This IssueR		
4 CSR 240-3.245	Public Service Commission		This IssueR		
4 CSR 240-3.270	Public Service Commission		This IssueR		
4 CSR 240-3.280	Public Service Commission		This IssueR		
4 CSR 240-3.290	Public Service Commission		This IssueR		
4 CSR 240-3.295	Public Service Commission		This IssueR		
4 CSR 240-3.310	Public Service Commission		This IssueR		
4 CSR 240-3.315	Public Service Commission		This IssueR		
4 CSR 240-3.320	Public Service Commission		This IssueR		
4 CSR 240-3.325	Public Service Commission		This IssueR		
4 CSR 240-3.335	Public Service Commission		This IssueR		
4 CSR 240-3.405	Public Service Commission		This IssueR		
4 CSR 240-3.410	Public Service Commission		This IssueR		
4 CSR 240-3.415	Public Service Commission		This IssueR		
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4 CSR 240-3.435	Public Service Commission		This IssueR		
4 CSR 240-3.605	Public Service Commission		This IssueR		
4 CSR 240-3.610	Public Service Commission		This IssueR		
4 CSR 240-3.615	Public Service Commission		This IssueR		
4 CSR 240-3.620	Public Service Commission		This IssueR		
4 CSR 240-3.640	Public Service Commission		This IssueR		
4 CSR 240-10.085	Public Service Commission		43 MoReg 1424		
4 CSR 240-10.095	Public Service Commission		43 MoReg 1425		
4 CSR 240-10.105	Public Service Commission		This Issue		
4 CSR 240-10.115	Public Service Commission		This Issue		
4 CSR 240-10.125	Public Service Commission		This Issue		
4 CSR 240-10.135	Public Service Commission		This Issue		
4 CSR 240-10.145	Public Service Commission		This Issue		
4 CSR 240-20.045	Public Service Commission		43 MoReg 979		
4 CSR 240-20.090	Public Service Commission		43 MoReg 1426		
4 CSR 240-28.010	Public Service Commission		43 MoReg 981		
4 CSR 240-28.011	Public Service Commission		43 MoReg 982		
4 CSR 240-28.012	Public Service Commission		43 MoReg 983		
4 CSR 240-28.013	Public Service Commission		43 MoReg 984		
4 CSR 240-28.014	Public Service Commission		43 MoReg 984		
4 CSR 240-28.015	Public Service Commission		43 MoReg 985		
4 CSR 240-28.016	Public Service Commission		43 MoReg 985		
4 CSR 240-28.020	Public Service Commission		43 MoReg 986R		
4 CSR 240-28.030	Public Service Commission		43 MoReg 986R		
4 CSR 240-28.040	Public Service Commission		43 MoReg 987R		
4 CSR 240-28.050	Public Service Commission		43 MoReg 987R		
4 CSR 240-28.060	Public Service Commission		43 MoReg 987R		
4 CSR 240-28.070	Public Service Commission		43 MoReg 988R		
4 CSR 240-28.080	Public Service Commission		43 MoReg 988R		
4 CSR 240-28.090	Public Service Commission		43 MoReg 988R		
4 CSR 240-29.010	Public Service Commission		43 MoReg 989R		
4 CSR 240-29.020	Public Service Commission		43 MoReg 989R		
4 CSR 240-29.030	Public Service Commission		43 MoReg 989R		
4 CSR 240-29.040	Public Service Commission		43 MoReg 990R		
4 CSR 240-29.050	Public Service Commission		43 MoReg 990R		
4 CSR 240-29.060	Public Service Commission		43 MoReg 991R		
4 CSR 240-29.080	Public Service Commission		43 MoReg 991R		
4 CSR 240-29.090	Public Service Commission		43 MoReg 991R		
4 CSR 240-29.100	Public Service Commission		43 MoReg 992R		
4 CSR 240-29.120	Public Service Commission		43 MoReg 992R		
4 CSR 240-29.130	Public Service Commission		43 MoReg 992R		
4 CSR 240-29.140	Public Service Commission		43 MoReg 993R		
4 CSR 240-29.150	Public Service Commission		43 MoReg 993R		
4 CSR 240-29.160	Public Service Commission		43 MoReg 994R		
4 CSR 240-31.010	Public Service Commission		43 MoReg 994		
4 CSR 240-31.011	Public Service Commission		43 MoReg 996		
4 CSR 240-31.012	Public Service Commission		43 MoReg 996		
4 CSR 240-31.013	Public Service Commission		43 MoReg 997		
4 CSR 240-31.014	Public Service Commission		43 MoReg 997		
4 CSR 240-31.015	Public Service Commission		43 MoReg 998		
4 CSR 240-31.016	Public Service Commission		43 MoReg 999		
4 CSR 240-31.020	Public Service Commission		43 MoReg 1000R		
4 CSR 240-31.030	Public Service Commission		43 MoReg 1000R		
4 CSR 240-31.040	Public Service Commission		43 MoReg 1000R		
4 CSR 240-31.060	Public Service Commission		43 MoReg 1001R		
4 CSR 240-31.090	Public Service Commission		43 MoReg 1001R		



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4 CSR 240-31.100	Public Service Commission		43 MoReg 1001R		
4 CSR 240-31.110	Public Service Commission		43 MoReg 1002R		
4 CSR 240-31.120	Public Service Commission		43 MoReg 1002R		
4 CSR 240-31.130	Public Service Commission		43 MoReg 1003R		
4 CSR 240-34.010	Public Service Commission		43 MoReg 1003R		
4 CSR 240-34.020	Public Service Commission		43 MoReg 1003R		
4 CSR 240-34.030	Public Service Commission		43 MoReg 1004R		
4 CSR 240-34.040	Public Service Commission		43 MoReg 1004R		
4 CSR 240-34.050	Public Service Commission		43 MoReg 1004R		
4 CSR 240-34.060	Public Service Commission		43 MoReg 1005R		
4 CSR 240-34.070	Public Service Commission		43 MoReg 1005R		
4 CSR 240-34.080	Public Service Commission		43 MoReg 1005R		
4 CSR 240-34.090	Public Service Commission		43 MoReg 1006R		
4 CSR 240-36.010	Public Service Commission		43 MoReg 1006R		
4 CSR 240-36.020	Public Service Commission		43 MoReg 1007R		
4 CSR 240-36.030	Public Service Commission		43 MoReg 1007R		
4 CSR 240-36.040	Public Service Commission		43 MoReg 1007R		
4 CSR 240-36.050	Public Service Commission		43 MoReg 1008R		
4 CSR 240-37.010	Public Service Commission		43 MoReg 1008R		
4 CSR 240-37.020	Public Service Commission		43 MoReg 1008R		
4 CSR 240-37.030	Public Service Commission		43 MoReg 1009R		
4 CSR 240-37.040	Public Service Commission		43 MoReg 1009R		
4 CSR 240-37.050	Public Service Commission		43 MoReg 1009R		
4 CSR 240-37.060	Public Service Commission		43 MoReg 1010R		
4 CSR 240-40.020	Public Service Commission		This Issue		
4 CSR 240-40.030	Public Service Commission		This Issue		
4 CSR 240-40.080	Public Service Commission		This Issue		
4 CSR 240-120.070	Public Service Commission		43 MoReg 1010R		
4 CSR 240-120.080	Public Service Commission		43 MoReg 1011R		
4 CSR 240-121.010	Public Service Commission		43 MoReg 1011R		
4 CSR 240-121.020	Public Service Commission		43 MoReg 1011R		
4 CSR 240-121.030	Public Service Commission		43 MoReg 1012R		
4 CSR 240-121.040	Public Service Commission		43 MoReg 1012R		
4 CSR 240-121.050	Public Service Commission		43 MoReg 1012R		
4 CSR 240-121.060	Public Service Commission		43 MoReg 1013R		
4 CSR 240-121.170	Public Service Commission		43 MoReg 1013R		
4 CSR 240-121.180	Public Service Commission		43 MoReg 1014R		
4 CSR 240-124.045	Public Service Commission		43 MoReg 1014R		
4 CSR 265-2.010	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.005)		43 MoReg 739		
4 CSR 265-2.300	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.300)		43 MoReg 740		
4 CSR 265-2.320	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.320)		43 MoReg 741		
4 CSR 265-2.322	Division of Motor Carrier and Railroad Safety		43 MoReg 742R		
4 CSR 265-2.324	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.324)		43 MoReg 742		
4 CSR 265-8.010	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.010)		43 MoReg 743		
4 CSR 265-8.012	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.012)		43 MoReg 744		
4 CSR 265-8.018	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.018)		43 MoReg 744		
4 CSR 265-8.020	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.020)		43 MoReg 745		
4 CSR 265-8.030	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.030)		43 MoReg 746		
4 CSR 265-8.032	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.032)		43 MoReg 746		
4 CSR 265-8.040	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.040)		43 MoReg 747		
4 CSR 265-8.041	Division of Motor Carrier and Railroad Safety		43 MoReg 748R		
4 CSR 265-8.050	Division of Motor Carrier and Railroad Safety		43 MoReg 749R		
4 CSR 265-8.060	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.060)		43 MoReg 749		
4 CSR 265-8.070	Division of Motor Carrier and Railroad Safety		43 MoReg 751R		
4 CSR 265-8.071	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.071)		43 MoReg 751		
4 CSR 265-8.080	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.080)		43 MoReg 752		
4 CSR 265-8.090	Division of Motor Carrier and Railroad Safety		43 MoReg 753R		
4 CSR 265-8.092	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.092)		43 MoReg 753		
4 CSR 265-8.100	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.100)		43 MoReg 754		
4 CSR 265-8.110	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.110)		43 MoReg 755		
4 CSR 265-8.120	Division of Motor Carrier and Railroad Safety		43 MoReg 755R		
4 CSR 265-8.130	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.130)		43 MoReg 755		
4 CSR 265-8.140	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-8.140)		43 MoReg 756		
4 CSR 340-2	Division of Energy				43 MoReg 15
4 CSR 340-2.010	Division of Energy		43 MoReg 835		
4 CSR 340-2.020	Division of Energy		43 MoReg 836		
4 CSR 340-6.010	Division of Energy		43 MoReg 1142		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 20-300.140	Division of Learning Services		43 MoReg 252R		
5 CSR 20-400.640	Division of Learning Services		42 MoReg 1581		

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6 CSR 10-4.010	<b>DEPARTMENT OF HIGHER EDUCATION</b> Commissioner of Higher Education		43 MoReg 123		
7 CSR	<b>MISSOURI DEPARTMENT OF TRANSPORTATION</b> Department of Transportation				41 MoReg 845
7 CSR 10-2.020	Missouri Highways and Transportation Commission		43 MoReg 529		
7 CSR 10-8.005	Missouri Highways and Transportation Commission		43 MoReg 252	This Issue	
7 CSR 10-8.011	Missouri Highways and Transportation Commission		43 MoReg 253R	This IssueR	
7 CSR 10-8.021	Missouri Highways and Transportation Commission		43 MoReg 253	This Issue	
7 CSR 10-8.031	Missouri Highways and Transportation Commission		43 MoReg 254R	This IssueR	
7 CSR 10-8.041	Missouri Highways and Transportation Commission		43 MoReg 254R	This IssueR	
7 CSR 10-8.051	Missouri Highways and Transportation Commission		43 MoReg 255R	This IssueR	
7 CSR 10-8.061	Missouri Highways and Transportation Commission		43 MoReg 255R	This IssueR	
7 CSR 10-8.071	Missouri Highways and Transportation Commission		43 MoReg 256	This Issue	
7 CSR 10-8.081	Missouri Highways and Transportation Commission		43 MoReg 257R	This IssueR	
7 CSR 10-8.091	Missouri Highways and Transportation Commission		43 MoReg 257R	This IssueR	
7 CSR 10-8.101	Missouri Highways and Transportation Commission		43 MoReg 257R	This IssueR	
7 CSR 10-8.111	Missouri Highways and Transportation Commission		43 MoReg 258R	This IssueR	
7 CSR 10-8.121	Missouri Highways and Transportation Commission		43 MoReg 258R	This IssueR	
7 CSR 10-8.131	Missouri Highways and Transportation Commission		43 MoReg 259	This Issue	
7 CSR 10-8.141	Missouri Highways and Transportation Commission		43 MoReg 260R	This IssueR	
7 CSR 10-8.151	Missouri Highways and Transportation Commission		43 MoReg 260R	This IssueR	
7 CSR 10-8.161	Missouri Highways and Transportation Commission		43 MoReg 260R	This IssueR	
7 CSR 10-11.010	Missouri Highways and Transportation Commission		43 MoReg 261R	This IssueR	
7 CSR 10-11.020	Missouri Highways and Transportation Commission		43 MoReg 1261		
7 CSR 10-11.030	Missouri Highways and Transportation Commission		43 MoReg 1262		
7 CSR 10-13.010	Missouri Highways and Transportation Commission		43 MoReg 1265		
7 CSR 10-16.020	Missouri Highways and Transportation Commission		43 MoReg 530R		
7 CSR 10-16.025	Missouri Highways and Transportation Commission		43 MoReg 530		
7 CSR 10-16.035	Missouri Highways and Transportation Commission		43 MoReg 531		
7 CSR 10-16.045	Missouri Highways and Transportation Commission		43 MoReg 531		
7 CSR 10-16.050	Missouri Highways and Transportation Commission		43 MoReg 532		
7 CSR 10-19.010	Missouri Highways and Transportation Commission		43 MoReg 533		
7 CSR 10-20.010	Missouri Highways and Transportation Commission		42 MoReg 93R		
7 CSR 10-21.010	Missouri Highways and Transportation Commission		43 MoReg 1014		
7 CSR 10-24.010	Missouri Highways and Transportation Commission		43 MoReg 756		
7 CSR 10-24.020	Missouri Highways and Transportation Commission		43 MoReg 39	43 MoReg 1343	
7 CSR 10-24.030	Missouri Highways and Transportation Commission		43 MoReg 41	43 MoReg 1343	
7 CSR 10-24.050	Missouri Highways and Transportation Commission		43 MoReg 41	43 MoReg 1343	
7 CSR 10-24.060	Missouri Highways and Transportation Commission		43 MoReg 42	43 MoReg 1343	
7 CSR 10-24.070	Missouri Highways and Transportation Commission		43 MoReg 43	43 MoReg 1344	
7 CSR 10-24.080	Missouri Highways and Transportation Commission		43 MoReg 43	43 MoReg 1344	
7 CSR 10-24.100	Missouri Highways and Transportation Commission		43 MoReg 43	43 MoReg 1344	
7 CSR 10-24.110	Missouri Highways and Transportation Commission		43 MoReg 44	43 MoReg 1344	
7 CSR 10-24.120	Missouri Highways and Transportation Commission		43 MoReg 45	43 MoReg 1344	
7 CSR 10-24.140	Missouri Highways and Transportation Commission		43 MoReg 45	43 MoReg 1345	
7 CSR 10-24.200	Missouri Highways and Transportation Commission		43 MoReg 46	43 MoReg 1345	
7 CSR 10-24.210	Missouri Highways and Transportation Commission		43 MoReg 46	43 MoReg 1345	
7 CSR 10-24.300	Missouri Highways and Transportation Commission		43 MoReg 46	43 MoReg 1345	
7 CSR 10-24.330	Missouri Highways and Transportation Commission		43 MoReg 47	43 MoReg 1345	
7 CSR 60-2.010	Highway Safety and Traffic Division		43 MoReg 758		
7 CSR 60-2.020	Highway Safety and Traffic Division		43 MoReg 760R		
7 CSR 60-2.030	Highway Safety and Traffic Division		43 MoReg 760		
7 CSR 60-2.040	Highway Safety and Traffic Division		43 MoReg 761R		
7 CSR 60-2.050	Highway Safety and Traffic Division		43 MoReg 761		
7 CSR 60-2.060	Highway Safety and Traffic Division		43 MoReg 767R		
7 CSR 265-8.005	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.010)		43 MoReg 767		
7 CSR 265-8.010	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.012)		43 MoReg 768R		
7 CSR 265-8.012	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.018)		43 MoReg 769		
7 CSR 265-8.018	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.020)		43 MoReg 769R		
7 CSR 265-8.020	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.030)		43 MoReg 770		
7 CSR 265-8.030	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.032)		43 MoReg 770		
7 CSR 265-8.032	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.040)		43 MoReg 773		
7 CSR 265-8.040	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.060)		43 MoReg 774		
7 CSR 265-8.060	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.071)		43 MoReg 774		
7 CSR 265-8.071	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.080)		43 MoReg 775		
7 CSR 265-8.080	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.080)		43 MoReg 777		

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7 CSR 265-8.092	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.092)		43 MoReg 753		
7 CSR 265-8.100	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.100)		43 MoReg 754		
7 CSR 265-8.110	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.110)		43 MoReg 755		
7 CSR 265-8.130	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.130)		43 MoReg 755		
7 CSR 265-8.140	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-8.140)		43 MoReg 756		
7 CSR 265-8.300	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.300)		43 MoReg 740		
7 CSR 265-8.320	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.320)		43 MoReg 741		
7 CSR 265-8.324	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.324)		43 MoReg 742		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR	Department of Labor and Industrial Relations				41 MoReg 845
8 CSR 60-1.010	Missouri Commission on Human Rights		43 MoReg 1143		
8 CSR 60-2.025	Missouri Commission on Human Rights		43 MoReg 1144		
8 CSR 60-2.045	Missouri Commission on Human Rights		43 MoReg 1144		
8 CSR 60-2.085	Missouri Commission on Human Rights		43 MoReg 1145R		
8 CSR 60-2.090	Missouri Commission on Human Rights		43 MoReg 1145		
8 CSR 60-3.010	Missouri Commission on Human Rights		43 MoReg 1145		
8 CSR 60-3.030	Missouri Commission on Human Rights		43 MoReg 1146R		
8 CSR 60-3.060	Missouri Commission on Human Rights		43 MoReg 1146		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR	Department of Mental Health				41 MoReg 845
9 CSR 10-1.010	Director, Department of Mental Health		43 MoReg 771		
9 CSR 25-2.005	Fiscal Management		43 MoReg 668		
9 CSR 25-2.105	Fiscal Management		43 MoReg 669		
9 CSR 25-2.305	Fiscal Management		43 MoReg 670		
9 CSR 25-2.405	Fiscal Management		43 MoReg 671		
9 CSR 25-2.505	Fiscal Management		43 MoReg 671		
9 CSR 25-3.040	Fiscal Management		43 MoReg 672		
9 CSR 25-5.010	Fiscal Management		43 MoReg 773R		
9 CSR 30-3.022	Certification Standards		43 MoReg 261R	43 MoReg 1183R	
9 CSR 30-3.134	Certification Standards		43 MoReg 1147		
9 CSR 30-3.201	Certification Standards		43 MoReg 673	This Issue	
9 CSR 30-3.202	Certification Standards		43 MoReg 675	This Issue	
9 CSR 30-3.204	Certification Standards		43 MoReg 678	This Issue	
9 CSR 30-3.206	Certification Standards		43 MoReg 680	This Issue	
9 CSR 30-3.208	Certification Standards		43 MoReg 686	This Issue	
9 CSR 30-3.300	Certification Standards		43 MoReg 773		
9 CSR 40-1.118	Licensing Rules		43 MoReg 837R		
9 CSR 45-4.010	Division of Developmental Disabilities		43 MoReg 837R		
9 CSR 45-5.105	Division of Developmental Disabilities		43 MoReg 838		
9 CSR 45-5.110	Division of Developmental Disabilities		43 MoReg 838		
9 CSR 45-5.130	Division of Developmental Disabilities		43 MoReg 842		
9 CSR 45-5.140	Division of Developmental Disabilities		43 MoReg 846		
9 CSR 45-5.150	Division of Developmental Disabilities		43 MoReg 850		
9 CSR 45-6.010	Division of Developmental Disabilities		43 MoReg 261R	43 MoReg 1183R	
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR	Department of Natural Resources				41 MoReg 845
10 CSR 1-1.010	Director's Office		43 MoReg 687		
10 CSR 1-2.030	Director's Office		43 MoReg 134R	43 MoReg 1477R	
10 CSR 10-1.010	Air Conservation Commission		43 MoReg 853		
10 CSR 10-2.215	Air Conservation Commission		43 MoReg 1015R		
10 CSR 10-2.260	Air Conservation Commission		43 MoReg 1266		
10 CSR 10-2.300	Air Conservation Commission		43 MoReg 1270		
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10 CSR 10-2.320	Air Conservation Commission		43 MoReg 1016		
10 CSR 10-2.340	Air Conservation Commission		43 MoReg 1017		
10 CSR 10-2.360	Air Conservation Commission		43 MoReg 262R		
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10 CSR 10-3.160	Air Conservation Commission		43 MoReg 262R		
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10 CSR 10-5.410	Air Conservation Commission		43 MoReg 1020R		
10 CSR 10-5.440	Air Conservation Commission		43 MoReg 1020R		
10 CSR 10-5.450	Air Conservation Commission		43 MoReg 264R		
10 CSR 10-5.455	Air Conservation Commission		43 MoReg 1020R		
10 CSR 10-5.500	Air Conservation Commission		43 MoReg 1272		
10 CSR 10-5.520	Air Conservation Commission		43 MoReg 1021R		
10 CSR 10-5.530	Air Conservation Commission		43 MoReg 1277		
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10 CSR 10-6.070	Air Conservation Commission		43 MoReg 1287		
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10 CSR 10-6.080	Air Conservation Commission		43 MoReg 1301		
10 CSR 10-6.100	Air Conservation Commission		43 MoReg 264R		
10 CSR 10-6.110	Air Conservation Commission		43 MoReg 1029		

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10 CSR 10-6.130	Air Conservation Commission		43 MoReg 1304		
10 CSR 10-6.161	Air Conservation Commission		43 MoReg 1312		
10 CSR 10-6.180	Air Conservation Commission		43 MoReg 855		
10 CSR 10-6.200	Air Conservation Commission		43 MoReg 1032		
10 CSR 10-6.241	Air Conservation Commission		43 MoReg 1313		
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10 CSR 10-6.360	Air Conservation Commission		43 MoReg 265R		
10 CSR 10-6.362	Air Conservation Commission		43 MoReg 1046R		
10 CSR 10-6.364	Air Conservation Commission		43 MoReg 1047R		
10 CSR 10-6.366	Air Conservation Commission		43 MoReg 1047R		
10 CSR 10-6.380	Air Conservation Commission		43 MoReg 1326		
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10 CSR 20-2.010	Clean Water Commission		43 MoReg 1148		
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10 CSR 20-4.020	Clean Water Commission		43 MoReg 135R		
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10 CSR 20-4.043	Clean Water Commission		43 MoReg 136R		
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10 CSR 20-4.070	Clean Water Commission		43 MoReg 137R		
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10 CSR 20-8.180	Clean Water Commission		This Issue		
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10 CSR 24-3.010	Hazardous Substance Emergency Response Office		43 MoReg 138R	43 MoReg 1478R	
10 CSR 25-1.010	Hazardous Waste Management Commission		43 MoReg 139R	43 MoReg 1478R	
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10 CSR 25-17.010	Hazardous Waste Management Commission		43 MoReg 266R	This IssueR	
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10 CSR 40-2.010	Missouri Mining Commission		43 MoReg 272R	43 MoReg 1479R	
10 CSR 40-2.020	Missouri Mining Commission		43 MoReg 272R	43 MoReg 1479R	
10 CSR 40-2.030	Missouri Mining Commission		43 MoReg 273R	43 MoReg 1479R	
10 CSR 40-2.040	Missouri Mining Commission		43 MoReg 273R	43 MoReg 1479R	
10 CSR 40-2.050	Missouri Mining Commission		43 MoReg 273R	43 MoReg 1479R	
10 CSR 40-2.060	Missouri Mining Commission		43 MoReg 273R	43 MoReg 1480R	
10 CSR 40-2.070	Missouri Mining Commission		43 MoReg 274R	43 MoReg 1480R	
10 CSR 40-2.080	Missouri Mining Commission		43 MoReg 274R	43 MoReg 1480R	
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10 CSR 40-2.100	Missouri Mining Commission		43 MoReg 274R	43 MoReg 1480R	
10 CSR 40-2.110	Missouri Mining Commission		43 MoReg 275R	43 MoReg 1480R	
10 CSR 40-3.060	Missouri Mining Commission		43 MoReg 859		
10 CSR 40-3.170	Missouri Mining Commission		43 MoReg 862		
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10 CSR 40-3.300	Missouri Mining Commission		43 MoReg 866R		
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10 CSR 40-4.040	Missouri Mining Commission		43 MoReg 867		
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10 CSR 40-4.070	Missouri Mining Commission		43 MoReg 869		
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10 CSR 40-6.120	Missouri Mining Commission		43 MoReg 872R		
10 CSR 40-9.010	Missouri Mining Commission		43 MoReg 873		
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10 CSR 40-9.050	Missouri Mining Commission		43 MoReg 876		
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10 CSR 40-10.060	Missouri Mining Commission		43 MoReg 275R	43 MoReg 1481R	
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10 CSR 40-10.090	Missouri Mining Commission		43 MoReg 275R	43 MoReg 1481R	
10 CSR 40-10.100	Missouri Mining Commission		43 MoReg 882		
10 CSR 45-1.010	Metallic Minerals Waste Management		43 MoReg 275R	43 MoReg 1481R	
10 CSR 45-3.010	Metallic Minerals Waste Management		43 MoReg 883		
10 CSR 45-6.020	Metallic Minerals Waste Management		43 MoReg 884		
10 CSR 45-8.010	Metallic Minerals Waste Management		43 MoReg 885		
10 CSR 45-8.030	Metallic Minerals Waste Management		43 MoReg 886		
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10 CSR 50-1.010	Oil and Gas Council		43 MoReg 139R	43 MoReg 1481R	
10 CSR 60-1.010	Safe Drinking Water Commission		43 MoReg 139R		
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10 CSR 60-4.020	Safe Drinking Water Commission		43 MoReg 140R		
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10 CSR 60-6.050	Safe Drinking Water Commission		43 MoReg 1050R		
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10 CSR 60-6.070	Safe Drinking Water Commission		This Issue		
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10 CSR 60-16.010	Safe Drinking Water Commission		43 MoReg 1051		
10 CSR 60-16.020	Safe Drinking Water Commission		43 MoReg 1053		
10 CSR 60-16.030	Safe Drinking Water Commission		43 MoReg 1053		
10 CSR 70-1.010	Soil and Water Districts Commission		43 MoReg 140R	43 MoReg 1481R	
10 CSR 70-2.010	Soil and Water Districts Commission		43 MoReg 1437		
10 CSR 70-2.020	Soil and Water Districts Commission		43 MoReg 1438		
10 CSR 70-3.010	Soil and Water Districts Commission		43 MoReg 1439		
10 CSR 70-4.010	Soil and Water Districts Commission		43 MoReg 1441		
10 CSR 70-5.010	Soil and Water Districts Commission		43 MoReg 1441		
10 CSR 70-5.020	Soil and Water Districts Commission		43 MoReg 1442		
10 CSR 70-5.030	Soil and Water Districts Commission		43 MoReg 1444		
10 CSR 70-5.040	Soil and Water Districts Commission		43 MoReg 1445		
10 CSR 70-5.050	Soil and Water Districts Commission		43 MoReg 1445		
10 CSR 70-5.060	Soil and Water Districts Commission		43 MoReg 1447		
10 CSR 70-6.010	Soil and Water Districts Commission		43 MoReg 1448		
10 CSR 70-7.100	Soil and Water Districts Commission		43 MoReg 141R	43 MoReg 1481R	
10 CSR 70-7.110	Soil and Water Districts Commission		43 MoReg 141R	43 MoReg 1482R	
10 CSR 70-7.120	Soil and Water Districts Commission		43 MoReg 141R	43 MoReg 1482R	
10 CSR 70-7.130	Soil and Water Districts Commission		43 MoReg 142R	43 MoReg 1482R	
10 CSR 70-7.140	Soil and Water Districts Commission		43 MoReg 142R	43 MoReg 1482R	
10 CSR 70-7.150	Soil and Water Districts Commission		43 MoReg 142R	43 MoReg 1482R	
10 CSR 70-8.010	Soil and Water Districts Commission		43 MoReg 143R	43 MoReg 1482R	
10 CSR 70-8.020	Soil and Water Districts Commission		43 MoReg 143R	43 MoReg 1483R	
10 CSR 70-8.030	Soil and Water Districts Commission		43 MoReg 143R	43 MoReg 1483R	
10 CSR 70-8.040	Soil and Water Districts Commission		43 MoReg 143R	43 MoReg 1483R	
10 CSR 70-8.050	Soil and Water Districts Commission		43 MoReg 144R	43 MoReg 1483R	
10 CSR 70-8.060	Soil and Water Districts Commission		43 MoReg 144R	43 MoReg 1483R	
10 CSR 70-8.070	Soil and Water Districts Commission		43 MoReg 144R	43 MoReg 1483R	
10 CSR 70-8.080	Soil and Water Districts Commission		43 MoReg 145R	43 MoReg 1484R	
10 CSR 70-8.090	Soil and Water Districts Commission		43 MoReg 145R	43 MoReg 1484R	
10 CSR 70-8.100	Soil and Water Districts Commission		43 MoReg 145R	43 MoReg 1484R	
10 CSR 70-8.110	Soil and Water Districts Commission		43 MoReg 146R	43 MoReg 1484R	
10 CSR 70-8.120	Soil and Water Districts Commission		43 MoReg 146R	43 MoReg 1484R	
10 CSR 80-1.010	Solid Waste Management		43 MoReg 146R	43 MoReg 1484R	
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10 CSR 80-2.070	Solid Waste Management		43 MoReg 147R	43 MoReg 1485R	
10 CSR 80-6.010	Solid Waste Management		This IssueR		
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10 CSR 80-8.020	Solid Waste Management		This Issue		
10 CSR 80-8.030	Solid Waste Management		This Issue		
10 CSR 80-8.050	Solid Waste Management		This Issue		
10 CSR 80-8.060	Solid Waste Management		43 MoReg 147R	43 MoReg 1485R	
10 CSR 80-9.030	Solid Waste Management		43 MoReg 1054		
10 CSR 80-9.035	Solid Waste Management		43 MoReg 1055		
10 CSR 80-9.040	Solid Waste Management		43 MoReg 148R	43 MoReg 1485R	
10 CSR 80-10.040	Solid Waste Management		43 MoReg 148R	43 MoReg 1486R	
10 CSR 90-1.010	State Parks		43 MoReg 148R	43 MoReg 1486R	
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10 CSR 90-2.040	State Parks		This Issue		
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10 CSR 90-2.070	State Parks		This Issue		
10 CSR 90-3.010	State Parks		43 MoReg 887		
10 CSR 90-3.020	State Parks		43 MoReg 887		
10 CSR 90-3.030	State Parks		43 MoReg 888		
10 CSR 90-3.050	State Parks		43 MoReg 149R	43 MoReg 1486R	
10 CSR 90-3.060	State Parks		43 MoReg 149R	43 MoReg 1486R	
10 CSR 90-3.070	State Parks		43 MoReg 150R	43 MoReg 1486R	
10 CSR 90-3.080	State Parks		43 MoReg 150R	43 MoReg 1487R	
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10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		43 MoReg 535		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		43 MoReg 541		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		43 MoReg 545		

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11 CSR 30-8.020	Office of the Director		43 MoReg 1328R		
11 CSR 30-8.030	Office of the Director		43 MoReg 1328R		
11 CSR 30-8.040	Office of the Director		43 MoReg 1328R		
11 CSR 30-9.010	Office of the Director		43 MoReg 1329R		
11 CSR 30-9.020	Office of the Director		43 MoReg 1329R		
11 CSR 30-9.030	Office of the Director		43 MoReg 1329R		
11 CSR 30-9.040	Office of the Director		43 MoReg 1329R		
11 CSR 30-9.050	Office of the Director		43 MoReg 1330R		
11 CSR 30-16.010	Office of the Director		42 MoReg 180		
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11 CSR 45-1.040	Missouri Gaming Commission		43 MoReg 48R	43 MoReg 1183R	
11 CSR 45-1.090	Missouri Gaming Commission		43 MoReg 1155		
11 CSR 45-3.010	Missouri Gaming Commission		43 MoReg 688		
11 CSR 45-4.020	Missouri Gaming Commission		43 MoReg 1156		
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11 CSR 45-4.085	Missouri Gaming Commission		43 MoReg 688R		
11 CSR 45-4.210	Missouri Gaming Commission		43 MoReg 1157		
11 CSR 45-4.260	Missouri Gaming Commission		43 MoReg 1157		
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11 CSR 45-5.020	Missouri Gaming Commission		43 MoReg 49R	43 MoReg 1184R	
11 CSR 45-5.053	Missouri Gaming Commission		41 MoReg 1543		
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11 CSR 45-5.065	Missouri Gaming Commission		43 MoReg 1158		
11 CSR 45-5.170	Missouri Gaming Commission		43 MoReg 689		
11 CSR 45-5.181	Missouri Gaming Commission		43 MoReg 1158		
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11 CSR 45-5.250	Missouri Gaming Commission		43 MoReg 49R	43 MoReg 1184R	
11 CSR 45-5.260	Missouri Gaming Commission		43 MoReg 1159		
11 CSR 45-5.280	Missouri Gaming Commission		43 MoReg 49R	43 MoReg 1184R	
11 CSR 45-5.400	Missouri Gaming Commission		43 MoReg 50R	43 MoReg 1184R	
11 CSR 45-5.410	Missouri Gaming Commission		43 MoReg 50R	43 MoReg 1184R	
11 CSR 45-5.420	Missouri Gaming Commission		43 MoReg 50R	43 MoReg 1185R	
11 CSR 45-6.010	Missouri Gaming Commission		43 MoReg 1160		
11 CSR 45-6.020	Missouri Gaming Commission		43 MoReg 1160		
11 CSR 45-6.025	Missouri Gaming Commission		43 MoReg 1162		
11 CSR 45-6.030	Missouri Gaming Commission		43 MoReg 1163		
11 CSR 45-6.050	Missouri Gaming Commission		43 MoReg 50R	43 MoReg 1185R	
11 CSR 45-6.060	Missouri Gaming Commission		43 MoReg 51R	43 MoReg 1185R	
11 CSR 45-7.020	Missouri Gaming Commission		43 MoReg 689		
11 CSR 45-7.070	Missouri Gaming Commission		43 MoReg 690		
11 CSR 45-7.090	Missouri Gaming Commission		43 MoReg 1448R		
11 CSR 45-7.100	Missouri Gaming Commission		43 MoReg 690		
11 CSR 45-7.140	Missouri Gaming Commission		43 MoReg 51R	43 MoReg 1185R	
11 CSR 45-7.150	Missouri Gaming Commission		43 MoReg 690		
11 CSR 45-7.160	Missouri Gaming Commission		43 MoReg 1163		
11 CSR 45-8.050	Missouri Gaming Commission		43 MoReg 1164		
11 CSR 45-8.060	Missouri Gaming Commission		43 MoReg 1164		
11 CSR 45-8.090	Missouri Gaming Commission		43 MoReg 1165		
11 CSR 45-8.100	Missouri Gaming Commission		43 MoReg 691		
11 CSR 45-8.130	Missouri Gaming Commission		43 MoReg 1165		
11 CSR 45-8.150	Missouri Gaming Commission		43 MoReg 1165		
11 CSR 45-8.160	Missouri Gaming Commission		43 MoReg 51R	43 MoReg 1185R	
11 CSR 45-9.010	Missouri Gaming Commission		43 MoReg 691		
11 CSR 45-9.040	Missouri Gaming Commission		43 MoReg 691		
11 CSR 45-9.101	Missouri Gaming Commission		43 MoReg 1166		
11 CSR 45-9.120	Missouri Gaming Commission		43 MoReg 1166		
11 CSR 45-10.020	Missouri Gaming Commission		43 MoReg 1449		
11 CSR 45-10.055	Missouri Gaming Commission		43 MoReg 692		
11 CSR 45-10.070	Missouri Gaming Commission		43 MoReg 52R	43 MoReg 1186R	
11 CSR 45-10.080	Missouri Gaming Commission		43 MoReg 52R	43 MoReg 1186R	
11 CSR 45-10.115	Missouri Gaming Commission		43 MoReg 52R	43 MoReg 1186R	
11 CSR 45-11.020	Missouri Gaming Commission		43 MoReg 693		
11 CSR 45-11.030	Missouri Gaming Commission		43 MoReg 693		
11 CSR 45-11.070	Missouri Gaming Commission		43 MoReg 694		
11 CSR 45-11.080	Missouri Gaming Commission		43 MoReg 694		
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11 CSR 45-11.130	Missouri Gaming Commission		43 MoReg 695		
11 CSR 45-11.160	Missouri Gaming Commission		43 MoReg 695R		
11 CSR 45-11.170	Missouri Gaming Commission		43 MoReg 52R	43 MoReg 1186R	
11 CSR 45-11.180	Missouri Gaming Commission		43 MoReg 53R	43 MoReg 1186R	
11 CSR 45-12.020	Missouri Gaming Commission		43 MoReg 696		
11 CSR 45-14.010	Missouri Gaming Commission		43 MoReg 53R	43 MoReg 1186R	
11 CSR 45-14.020	Missouri Gaming Commission		43 MoReg 53R	43 MoReg 1187R	
11 CSR 45-14.030	Missouri Gaming Commission		43 MoReg 53R	43 MoReg 1187R	
11 CSR 45-14.040	Missouri Gaming Commission		43 MoReg 54R	43 MoReg 1187R	
11 CSR 45-14.050	Missouri Gaming Commission		43 MoReg 54R	43 MoReg 1187R	
11 CSR 45-16.010	Missouri Gaming Commission		43 MoReg 54R	43 MoReg 1187R	
11 CSR 45-16.020	Missouri Gaming Commission		43 MoReg 55R	43 MoReg 1188R	
11 CSR 45-16.030	Missouri Gaming Commission		43 MoReg 55R	43 MoReg 1188R	
11 CSR 45-16.040	Missouri Gaming Commission		43 MoReg 55R	43 MoReg 1188R	
11 CSR 45-16.050	Missouri Gaming Commission		43 MoReg 55R	43 MoReg 1188R	

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11 CSR 45-80.140	Missouri Gaming Commission		43 MoReg 79R	43 MoReg 1203R	
11 CSR 45-80.150	Missouri Gaming Commission		43 MoReg 79R	43 MoReg 1203R	
11 CSR 45-80.160	Missouri Gaming Commission		43 MoReg 79R	43 MoReg 1203R	
11 CSR 45-80.170	Missouri Gaming Commission		43 MoReg 80R	43 MoReg 1203R	
11 CSR 45-80.180	Missouri Gaming Commission		43 MoReg 80R	43 MoReg 1203R	
11 CSR 45-80.190	Missouri Gaming Commission		43 MoReg 80R	43 MoReg 1204R	
11 CSR 45-80.200	Missouri Gaming Commission		43 MoReg 80R	43 MoReg 1204R	
11 CSR 45-80.210	Missouri Gaming Commission		43 MoReg 81R	43 MoReg 1204R	
11 CSR 45-80.220	Missouri Gaming Commission		43 MoReg 81R	43 MoReg 1204R	
11 CSR 45-80.230	Missouri Gaming Commission		43 MoReg 81R	43 MoReg 1204R	
11 CSR 45-80.240	Missouri Gaming Commission		43 MoReg 82R	43 MoReg 1205R	
11 CSR 45-80.250	Missouri Gaming Commission		43 MoReg 82R	43 MoReg 1205R	
11 CSR 45-90.010	Missouri Gaming Commission		43 MoReg 82R	43 MoReg 1205R	
11 CSR 45-90.020	Missouri Gaming Commission		43 MoReg 82R	43 MoReg 1205R	
11 CSR 45-90.030	Missouri Gaming Commission		43 MoReg 83R	43 MoReg 1205R	
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		This Issue		
11 CSR 70-2.200	Division of Alcohol and Tobacco Control		This IssueR		
11 CSR 75-15.010	Peace Officer Standards and Training Program		43 MoReg 775		
11 CSR 75-15.020	Peace Officer Standards and Training Program		43 MoReg 776		
11 CSR 75-15.080	Peace Officer Standards and Training Program		43 MoReg 777		
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12 CSR	Department of Revenue				42 MoReg 990
12 CSR 10-2.020	Director of Revenue		43 MoReg 386R	43 MoReg 1345R	
12 CSR 10-2.025	Director of Revenue		43 MoReg 387R	43 MoReg 1346R	
12 CSR 10-2.120	Director of Revenue		43 MoReg 387R	43 MoReg 1346R	
12 CSR 10-3.002	Director of Revenue		43 MoReg 387R	43 MoReg 1346R	
12 CSR 10-3.018	Director of Revenue		43 MoReg 387R	43 MoReg 1346R	
12 CSR 10-3.142	Director of Revenue		43 MoReg 388R	43 MoReg 1346R	
12 CSR 10-3.168	Director of Revenue		43 MoReg 388R	43 MoReg 1346R	
12 CSR 10-3.182	Director of Revenue		43 MoReg 388R	43 MoReg 1346R	
12 CSR 10-3.188	Director of Revenue		43 MoReg 388R	43 MoReg 1347R	
12 CSR 10-3.252	Director of Revenue		43 MoReg 389R	43 MoReg 1347R	
12 CSR 10-3.272	Director of Revenue		43 MoReg 389R	43 MoReg 1347R	
12 CSR 10-3.368	Director of Revenue		43 MoReg 389R	43 MoReg 1347R	
12 CSR 10-3.370	Director of Revenue		43 MoReg 389R	43 MoReg 1347R	
12 CSR 10-3.414	Director of Revenue		43 MoReg 390R	43 MoReg 1347R	
12 CSR 10-3.570	Director of Revenue		43 MoReg 390R	43 MoReg 1347R	
12 CSR 10-3.572	Director of Revenue		43 MoReg 390R	43 MoReg 1348R	
12 CSR 10-3.574	Director of Revenue		43 MoReg 390R	43 MoReg 1348R	
12 CSR 10-3.578	Director of Revenue		43 MoReg 391R	43 MoReg 1348R	
12 CSR 10-3.579	Director of Revenue		43 MoReg 391R	43 MoReg 1348R	
12 CSR 10-3.614	Director of Revenue		43 MoReg 391R	43 MoReg 1348R	
12 CSR 10-3.854	Director of Revenue		43 MoReg 391R	43 MoReg 1348R	
12 CSR 10-3.872	Director of Revenue		43 MoReg 392R	43 MoReg 1348R	
12 CSR 10-3.874	Director of Revenue		43 MoReg 392R	43 MoReg 1349R	
12 CSR 10-3.880	Director of Revenue		43 MoReg 392R	43 MoReg 1349R	
12 CSR 10-4.005	Director of Revenue		43 MoReg 392R	43 MoReg 1349R	
12 CSR 10-4.010	Director of Revenue		43 MoReg 393R	43 MoReg 1349R	
12 CSR 10-4.020	Director of Revenue		43 MoReg 393R	43 MoReg 1349R	
12 CSR 10-4.035	Director of Revenue		43 MoReg 393R	43 MoReg 1349R	
12 CSR 10-4.045	Director of Revenue		43 MoReg 393R	43 MoReg 1350R	
12 CSR 10-4.050	Director of Revenue		43 MoReg 394R	43 MoReg 1350R	
12 CSR 10-4.055	Director of Revenue		43 MoReg 394R	43 MoReg 1350R	
12 CSR 10-4.060	Director of Revenue		43 MoReg 394R	43 MoReg 1350R	
12 CSR 10-4.080	Director of Revenue		43 MoReg 394R	43 MoReg 1350R	
12 CSR 10-4.085	Director of Revenue		43 MoReg 395R	43 MoReg 1350R	
12 CSR 10-4.090	Director of Revenue		43 MoReg 395R	43 MoReg 1350R	
12 CSR 10-4.095	Director of Revenue		43 MoReg 395R	43 MoReg 1351R	
12 CSR 10-4.105	Director of Revenue		43 MoReg 395R	43 MoReg 1351R	
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12 CSR 10-4.115	Director of Revenue		43 MoReg 396R	43 MoReg 1351R	
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12 CSR 10-4.127	Director of Revenue		43 MoReg 396R	43 MoReg 1351R	
12 CSR 10-4.130	Director of Revenue		43 MoReg 397R	43 MoReg 1351R	
12 CSR 10-4.135	Director of Revenue		43 MoReg 397R	43 MoReg 1352R	
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12 CSR 10-4.150	Director of Revenue		43 MoReg 397R	43 MoReg 1352R	
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12 CSR 10-4.175	Director of Revenue		43 MoReg 398R	43 MoReg 1352R	
12 CSR 10-4.190	Director of Revenue		43 MoReg 398R	43 MoReg 1352R	
12 CSR 10-4.200	Director of Revenue		43 MoReg 398R	43 MoReg 1352R	
12 CSR 10-4.205	Director of Revenue		43 MoReg 399R	43 MoReg 1353R	
12 CSR 10-4.210	Director of Revenue		43 MoReg 399R	43 MoReg 1353R	
12 CSR 10-4.215	Director of Revenue		43 MoReg 399R	43 MoReg 1353R	
12 CSR 10-4.220	Director of Revenue		43 MoReg 399R	43 MoReg 1353R	
12 CSR 10-4.240	Director of Revenue		43 MoReg 400R	43 MoReg 1353R	
12 CSR 10-4.245	Director of Revenue		43 MoReg 400R	43 MoReg 1353R	
12 CSR 10-4.250	Director of Revenue		43 MoReg 400R	43 MoReg 1353R	
12 CSR 10-4.290	Director of Revenue		43 MoReg 400R	43 MoReg 1354R	
12 CSR 10-4.300	Director of Revenue		43 MoReg 401R	43 MoReg 1354R	
12 CSR 10-4.305	Director of Revenue		43 MoReg 401R	43 MoReg 1354R	
12 CSR 10-4.620	Director of Revenue		43 MoReg 401R	43 MoReg 1354R	
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12 CSR 10-4.630	Director of Revenue		43 MoReg 402R	43 MoReg 1354R	
12 CSR 10-6.010	Director of Revenue		43 MoReg 402R	43 MoReg 1354R	
12 CSR 10-7.010	Director of Revenue		43 MoReg 402R	43 MoReg 1355R	
12 CSR 10-7.030	Director of Revenue		43 MoReg 402R	43 MoReg 1355R	
12 CSR 10-7.040	Director of Revenue		43 MoReg 403R	43 MoReg 1355R	
12 CSR 10-7.050	Director of Revenue		43 MoReg 403R	43 MoReg 1355R	

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12 CSR 10-7.070	Director of Revenue		43 MoReg 403R	43 MoReg 1355R	
12 CSR 10-7.100	Director of Revenue		43 MoReg 404R	43 MoReg 1355R	
12 CSR 10-7.130	Director of Revenue		43 MoReg 404R	43 MoReg 1356R	
12 CSR 10-7.150	Director of Revenue		43 MoReg 404R	43 MoReg 1356R	
12 CSR 10-7.160	Director of Revenue		43 MoReg 404R	43 MoReg 1356R	
12 CSR 10-7.200	Director of Revenue		43 MoReg 405R	43 MoReg 1356R	
12 CSR 10-7.230	Director of Revenue		43 MoReg 405R	43 MoReg 1356R	
12 CSR 10-7.270	Director of Revenue		43 MoReg 405R	43 MoReg 1356R	
12 CSR 10-7.280	Director of Revenue		43 MoReg 405R	43 MoReg 1356R	
12 CSR 10-9.100	Director of Revenue		43 MoReg 405R	43 MoReg 1357R	
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12 CSR 10-9.120	Director of Revenue		43 MoReg 406R	43 MoReg 1357R	
12 CSR 10-9.130	Director of Revenue		43 MoReg 406R	43 MoReg 1357R	
12 CSR 10-9.190	Director of Revenue		43 MoReg 406R	43 MoReg 1357R	
12 CSR 10-9.210	Director of Revenue		43 MoReg 407R	43 MoReg 1357R	
12 CSR 10-9.220	Director of Revenue		43 MoReg 407R	43 MoReg 1358R	
12 CSR 10-9.230	Director of Revenue		43 MoReg 407R	43 MoReg 1358R	
12 CSR 10-9.240	Director of Revenue		43 MoReg 407R	43 MoReg 1358R	
12 CSR 10-9.250	Director of Revenue		43 MoReg 408R	43 MoReg 1358R	
12 CSR 10-9.260	Director of Revenue		43 MoReg 408R	43 MoReg 1358R	
12 CSR 10-9.270	Director of Revenue		43 MoReg 408R	43 MoReg 1358R	
12 CSR 10-10.010	Director of Revenue		43 MoReg 409R	43 MoReg 1358R	
12 CSR 10-23.180	Director of Revenue		43 MoReg 1330R		
12 CSR 10-23.255	Director of Revenue		43 MoReg 1330R		
12 CSR 10-23.270	Director of Revenue		43 MoReg 1330R		
12 CSR 10-23.275	Director of Revenue		43 MoReg 1331R		
12 CSR 10-23.290	Director of Revenue		43 MoReg 1331R		
12 CSR 10-23.426	Director of Revenue		43 MoReg 1331R		
12 CSR 10-24.050	Director of Revenue		43 MoReg 1331R		
12 CSR 10-26.200	Director of Revenue		43 MoReg 1332R		
12 CSR 10-42.060	Director of Revenue		43 MoReg 1332R		
12 CSR 10-400.210	Director of Revenue		43 MoReg 409R	43 MoReg 1359R	
12 CSR 10-405.100	Director of Revenue		43 MoReg 409R	43 MoReg 1359R	
12 CSR 10-405.105	Director of Revenue		43 MoReg 409R	43 MoReg 1359R	
12 CSR 10-405.200	Director of Revenue		43 MoReg 410R	43 MoReg 1359R	
12 CSR 10-405.205	Director of Revenue		43 MoReg 410R	43 MoReg 1359R	
12 CSR 30-2.015	State Tax Commission		43 MoReg 7R	43 MoReg 1206R	
12 CSR 30-3.025	State Tax Commission		43 MoReg 8R	43 MoReg 1206R	
12 CSR 30-3.040	State Tax Commission		43 MoReg 8R	43 MoReg 1206R	
12 CSR 30-3.050	State Tax Commission		43 MoReg 8R	43 MoReg 1206R	
12 CSR 30-3.060	State Tax Commission		43 MoReg 8R	43 MoReg 1206R	
12 CSR 30-3.065	State Tax Commission		43 MoReg 9R	43 MoReg 1206R	
12 CSR 30-3.070	State Tax Commission		43 MoReg 9R	43 MoReg 1207R	
12 CSR 30-3.080	State Tax Commission		43 MoReg 9R	43 MoReg 1207R	
12 CSR 30-3.085	State Tax Commission		43 MoReg 9R	43 MoReg 1207R	
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13 CSR	Department of Social Services				42 MoReg 990
13 CSR 10-1.015	Division of Finance and Administrative Services		43 MoReg 276R	43 MoReg 1487R	
13 CSR 30-2.030	Child Support Enforcement		43 MoReg 1168R		
13 CSR 30-2.040	Child Support Enforcement		43 MoReg 1168R		
13 CSR 35-32.040	Children's Division		43 MoReg 276R	43 MoReg 1487R	
13 CSR 40-2.220	Family Support Division		43 MoReg 276R	43 MoReg 1487R	
13 CSR 40-2.280	Family Support Division		43 MoReg 277R	43 MoReg 1487R	
13 CSR 40-2.290	Family Support Division		43 MoReg 277R	43 MoReg 1487R	
13 CSR 40-7.015	Family Support Division		43 MoReg 1169		
13 CSR 40-34.012	Family Support Division		This IssueR		
13 CSR 40-59.020	Family Support Division		43 MoReg 277R	43 MoReg 1488R	
13 CSR 40-59.030	Family Support Division		43 MoReg 277R	43 MoReg 1488R	
13 CSR 40-59.040	Family Support Division		43 MoReg 698R		
13 CSR 40-59.050	Family Support Division		43 MoReg 698R		
13 CSR 40-61.065	Family Support Division		43 MoReg 699R		
13 CSR 40-61.075	Family Support Division		43 MoReg 778R		
13 CSR 40-62.062	Family Support Division		43 MoReg 778R		
13 CSR 40-62.072	Family Support Division		43 MoReg 778R		
13 CSR 40-73.017	Family Support Division				This Issue
13 CSR 40-73.020	Family Support Division				This Issue
13 CSR 40-73.055	Family Support Division				This Issue
13 CSR 70-3.040	MO HealthNet Division		43 MoReg 1169R		
13 CSR 70-3.190	MO HealthNet Division		This IssueR		
13 CSR 70-4.070	MO HealthNet Division		This IssueR		
13 CSR 70-10.050	MO HealthNet Division		43 MoReg 278R	43 MoReg 1488R	
13 CSR 70-15.150	MO HealthNet Division		43 MoReg 779R		
13 CSR 70-15.160	MO HealthNet Division		43 MoReg 1170		
13 CSR 70-20.010	MO HealthNet Division		43 MoReg 779R		
13 CSR 70-20.032	MO HealthNet Division		This IssueR		
13 CSR 70-20.033	MO HealthNet Division		43 MoReg 779R		
13 CSR 70-20.040	MO HealthNet Division		This IssueR		
13 CSR 70-20.045	MO HealthNet Division		43 MoReg 1176		
13 CSR 70-20.050	MO HealthNet Division		43 MoReg 1176		
13 CSR 70-20.071	MO HealthNet Division		43 MoReg 779R		
13 CSR 70-25.120	MO HealthNet Division		43 MoReg 780R		
13 CSR 70-93.010	MO HealthNet Division		43 MoReg 278R	43 MoReg 1488R	
13 CSR 70-93.020	MO HealthNet Division		43 MoReg 278R	43 MoReg 1488R	
13 CSR 110-2.030	Division of Youth Services		43 MoReg 1177		
13 CSR 110-2.040	Division of Youth Services		43 MoReg 1177		
13 CSR 110-2.050	Division of Youth Services		43 MoReg 1178		
13 CSR 110-2.080	Division of Youth Services		43 MoReg 1179		
13 CSR 110-2.100	Division of Youth Services		43 MoReg 1179		
13 CSR 110-2.110	Division of Youth Services		43 MoReg 278R	43 MoReg 1488R	

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13 CSR 110-2.130	Division of Youth Services		43 MoReg 1180		
13 CSR 110-4.010	Division of Youth Services		43 MoReg 279R	43 MoReg 1489R	
13 CSR 110-6.010	Division of Youth Services		43 MoReg 279R	43 MoReg 1489R	
<b>DEPARTMENT OF CORRECTIONS</b>					
14 CSR	Department of Corrections				42 MoReg 990
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15 CSR	Elected Officials				43 MoReg 1498
15 CSR 30-51.030	Secretary of State		43 MoReg 1056		
15 CSR 30-54.100	Secretary of State		43 MoReg 1057		
15 CSR 30-54.210	Secretary of State		43 MoReg 1057		
15 CSR 30-54.260	Secretary of State		43 MoReg 1058		
15 CSR 40-3.125	State Auditor		43 MoReg 410	43 MoReg 1359	
15 CSR 40-3.135	State Auditor		43 MoReg 441	43 MoReg 1375	
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16 CSR	Retirement Systems				43 MoReg 1498
16 CSR 20-1.010	Missouri Local Government Employees' Retirement System (LAGERS)				43 MoReg 1215
16 CSR 20-2.115	Missouri Local Government Employees' Retirement System (LAGERS)		43 MoReg 1181		
16 CSR 50-2.010	The County Employees' Retirement Fund		42 MoReg 1591	43 MoReg 293	
16 CSR 50-2.030	The County Employees' Retirement Fund		42 MoReg 1592	43 MoReg 293	
<b>BOARD OF POLICE COMMISSIONERS</b>					
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<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR	Public Defender Commission				43 MoReg 1498
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR	Department of Health and Senior Services				43 MoReg 1498
19 CSR 10-10	Office of the Director				42 MoReg 991
19 CSR 15-3.010	Division of Senior and Disability Services		43 MoReg 279R	This IssueR	
19 CSR 15-3.020	Division of Senior and Disability Services		43 MoReg 279R	This IssueR	
19 CSR 15-3.030	Division of Senior and Disability Services		43 MoReg 280R	This IssueR	
19 CSR 15-3.040	Division of Senior and Disability Services		43 MoReg 280R	This IssueR	
19 CSR 15-3.050	Division of Senior and Disability Services		43 MoReg 280R	This IssueR	
19 CSR 15-4.030	Division of Senior and Disability Services		43 MoReg 280R	This IssueR	
19 CSR 15-4.310	Division of Senior and Disability Services		43 MoReg 281R	This IssueR	
19 CSR 30-40.420	Division of Regulation and Licensure	43 MoReg 509	43 MoReg 546	This Issue	
19 CSR 30-40.750	Division of Regulation and Licensure	43 MoReg 513	43 MoReg 551	This Issue	
19 CSR 30-70.200	Division of Regulation and Licensure		43 MoReg 281R	This IssueR	
19 CSR 40-10.010	Division of Maternal, Child and Family Health		43 MoReg 281R	This IssueR	
19 CSR 50-3.010	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		43 MoReg 282R	This IssueR	
19 CSR 50-10.010	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		43 MoReg 282R	This IssueR	
19 CSR 50-10.020	Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services		43 MoReg 282R	This IssueR	
19 CSR 60-50	Missouri Health Facilities Review Committee				43 MoReg 1215 43 MoReg 1500 This Issue
19 CSR 90-1.010	Missouri Senior Rx Program		43 MoReg 282R	This IssueR	
19 CSR 90-1.020	Missouri Senior Rx Program		43 MoReg 283R	This IssueR	
19 CSR 90-1.030	Missouri Senior Rx Program		43 MoReg 283R	This IssueR	
19 CSR 90-1.040	Missouri Senior Rx Program		43 MoReg 283R	This IssueR	
19 CSR 90-1.050	Missouri Senior Rx Program		43 MoReg 283R	This IssueR	
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19 CSR 90-2.050	Missouri Senior Rx Program		43 MoReg 286R	This IssueR	
<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b>					
20 CSR	Applied Behavior Analysis Maximum Benefit				43 MoReg 477
20 CSR	Caps for Medical Malpractice				43 MoReg 1376
20 CSR	Construction Claims Binding Arbitration Cap				42 MoReg 1851
20 CSR	Sovereign Immunity Limits				42 MoReg 1851
20 CSR	State Legal Expense Fund Cap				42 MoReg 1851
20 CSR 2015-1.010	Acupuncturist Advisory Committee		43 MoReg 1450		
20 CSR 2015-1.020	Acupuncturist Advisory Committee		43 MoReg 1451		
20 CSR 2015-1.030	Acupuncturist Advisory Committee		43 MoReg 1452		
20 CSR 2015-2.010	Acupuncturist Advisory Committee		43 MoReg 1455		
20 CSR 2015-2.020	Acupuncturist Advisory Committee		43 MoReg 1455		
20 CSR 2015-3.010	Acupuncturist Advisory Committee		43 MoReg 1456		
20 CSR 2015-3.020	Acupuncturist Advisory Committee		43 MoReg 1456		
20 CSR 2015-4.010	Acupuncturist Advisory Committee		43 MoReg 1457		
20 CSR 2015-4.020	Acupuncturist Advisory Committee		43 MoReg 1458		
20 CSR 2030-1.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 888		
20 CSR 2030-1.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 892		

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Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2030-11.035	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 906		
20 CSR 2030-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 908		
20 CSR 2030-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 909		
20 CSR 2030-13.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 910		
20 CSR 2030-14.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 911		
20 CSR 2030-14.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 911		
20 CSR 2030-14.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 912		
20 CSR 2030-15.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 1472		
20 CSR 2030-21.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 1473		
20 CSR 2030-21.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		43 MoReg 1473		
20 CSR 2040-1.021	Office of Athletics		43 MoReg 912		
20 CSR 2040-2.011	Office of Athletics		43 MoReg 913		
20 CSR 2040-2.021	Office of Athletics		43 MoReg 913		
20 CSR 2040-3.011	Office of Athletics		43 MoReg 913		
20 CSR 2040-3.030	Office of Athletics		43 MoReg 914		
20 CSR 2040-4.015	Office of Athletics		43 MoReg 914		
20 CSR 2040-4.020	Office of Athletics		43 MoReg 915		
20 CSR 2040-4.030	Office of Athletics		43 MoReg 915		
20 CSR 2040-4.040	Office of Athletics		43 MoReg 916		
20 CSR 2040-4.050	Office of Athletics		43 MoReg 917		
20 CSR 2040-4.060	Office of Athletics		43 MoReg 917		
20 CSR 2040-4.070	Office of Athletics		43 MoReg 917		
20 CSR 2040-4.080	Office of Athletics		43 MoReg 918		
20 CSR 2040-4.090	Office of Athletics		43 MoReg 918		
20 CSR 2040-5.010	Office of Athletics		43 MoReg 919		
20 CSR 2040-5.030	Office of Athletics		43 MoReg 920		
20 CSR 2040-5.040	Office of Athletics		43 MoReg 921		
20 CSR 2040-5.060	Office of Athletics		43 MoReg 922		
20 CSR 2040-6.010	Office of Athletics		43 MoReg 923		
20 CSR 2040-7.010	Office of Athletics		43 MoReg 923		
20 CSR 2040-8.020	Office of Athletics		43 MoReg 923		
20 CSR 2040-8.030	Office of Athletics		43 MoReg 924		
20 CSR 2040-8.040	Office of Athletics		43 MoReg 924		
20 CSR 2040-8.050	Office of Athletics		43 MoReg 925		
20 CSR 2040-8.060	Office of Athletics		43 MoReg 926		
20 CSR 2040-8.070	Office of Athletics		43 MoReg 926		
20 CSR 2040-8.080	Office of Athletics		43 MoReg 927		
20 CSR 2040-8.090	Office of Athletics		43 MoReg 927		
20 CSR 2040-8.100	Office of Athletics		43 MoReg 927		
20 CSR 2040-8.110	Office of Athletics		43 MoReg 928		
20 CSR 2040-8.120	Office of Athletics		43 MoReg 928		
20 CSR 2040-8.130	Office of Athletics		43 MoReg 929		
20 CSR 2040-8.140	Office of Athletics		43 MoReg 929		
20 CSR 2040-8.150	Office of Athletics		43 MoReg 931		
20 CSR 2040-8.160	Office of Athletics		43 MoReg 931		
20 CSR 2040-8.170	Office of Athletics		43 MoReg 932		
20 CSR 2040-8.180	Office of Athletics		43 MoReg 932		
20 CSR 2040-8.190	Office of Athletics		43 MoReg 933		
20 CSR 2065-1.020	Endowed Care Cemeteries		43 MoReg 1332R		
20 CSR 2065-1.030	Endowed Care Cemeteries		43 MoReg 1333		
20 CSR 2065-1.050	Endowed Care Cemeteries		43 MoReg 1333		
20 CSR 2065-1.060	Endowed Care Cemeteries		43 MoReg 1333		
20 CSR 2065-2.010	Endowed Care Cemeteries		43 MoReg 1334		
20 CSR 2065-2.020	Endowed Care Cemeteries		43 MoReg 1334		
20 CSR 2065-2.050	Endowed Care Cemeteries		43 MoReg 1335		
20 CSR 2085-14.010	Board of Cosmetology and Barber Examiners		43 MoReg 780R		
20 CSR 2085-14.020	Board of Cosmetology and Barber Examiners		43 MoReg 780R		
20 CSR 2110-2.110	Missouri Dental Board		43 MoReg 101R	43 MoReg 1207R	
20 CSR 2110-2.111	Missouri Dental Board		43 MoReg 101R	43 MoReg 1212R	
20 CSR 2110-2.140	Missouri Dental Board		43 MoReg 111R	43 MoReg 1213R	
20 CSR 2110-2.150	Missouri Dental Board		43 MoReg 111R	43 MoReg 1214R	
20 CSR 2110-2.170	Missouri Dental Board		43 MoReg 555	43 MoReg 1489	
20 CSR 2115-1.010	State Committee of Dietitians		43 MoReg 1335		
20 CSR 2115-1.030	State Committee of Dietitians		43 MoReg 1335		
20 CSR 2115-2.010	State Committee of Dietitians		43 MoReg 1336		
20 CSR 2115-2.020	State Committee of Dietitians		43 MoReg 1336		
20 CSR 2115-2.030	State Committee of Dietitians		43 MoReg 1337		
20 CSR 2115-2.040	State Committee of Dietitians		43 MoReg 1337		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts	43 MoReg 977	43 MoReg 1058		

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20 CSR 2200-2.001	State Board of Nursing		43 MoReg 558	43 MoReg 1489	
20 CSR 2200-2.010	State Board of Nursing		43 MoReg 559	43 MoReg 1489	
20 CSR 2200-2.020	State Board of Nursing		43 MoReg 561	43 MoReg 1490	
20 CSR 2200-2.030	State Board of Nursing		43 MoReg 561	43 MoReg 1490	
20 CSR 2200-2.035	State Board of Nursing		43 MoReg 561	43 MoReg 1490	
20 CSR 2200-2.040	State Board of Nursing		43 MoReg 562	43 MoReg 1490	
20 CSR 2200-2.050	State Board of Nursing		43 MoReg 562	43 MoReg 1490	
20 CSR 2200-2.060	State Board of Nursing		43 MoReg 562	43 MoReg 1490	
20 CSR 2200-2.070	State Board of Nursing		43 MoReg 563	43 MoReg 1491	
20 CSR 2200-2.080	State Board of Nursing		43 MoReg 563	43 MoReg 1491	
20 CSR 2200-2.085	State Board of Nursing		43 MoReg 564	43 MoReg 1491	
20 CSR 2200-2.090	State Board of Nursing		43 MoReg 564	43 MoReg 1491	
20 CSR 2200-2.100	State Board of Nursing		43 MoReg 565	43 MoReg 1491	
20 CSR 2200-2.110	State Board of Nursing		43 MoReg 566	43 MoReg 1492	
20 CSR 2200-2.120	State Board of Nursing		43 MoReg 566	43 MoReg 1492	
20 CSR 2200-2.130	State Board of Nursing		43 MoReg 567	43 MoReg 1492	
20 CSR 2200-2.180	State Board of Nursing		43 MoReg 567	43 MoReg 1492	
20 CSR 2200-3.001	State Board of Nursing		43 MoReg 568	43 MoReg 1492	
20 CSR 2200-3.010	State Board of Nursing		43 MoReg 569	43 MoReg 1492	
20 CSR 2200-3.020	State Board of Nursing		43 MoReg 571	43 MoReg 1493	
20 CSR 2200-3.030	State Board of Nursing		43 MoReg 572	43 MoReg 1493	
20 CSR 2200-3.035	State Board of Nursing		43 MoReg 572	43 MoReg 1493	
20 CSR 2200-3.040	State Board of Nursing		43 MoReg 572	43 MoReg 1493	
20 CSR 2200-3.050	State Board of Nursing		43 MoReg 573	43 MoReg 1493	
20 CSR 2200-3.060	State Board of Nursing		43 MoReg 573	43 MoReg 1494	
20 CSR 2200-3.070	State Board of Nursing		43 MoReg 574	43 MoReg 1494	
20 CSR 2200-3.080	State Board of Nursing		43 MoReg 574	43 MoReg 1494	
20 CSR 2200-3.085	State Board of Nursing		43 MoReg 575	43 MoReg 1494	
20 CSR 2200-3.090	State Board of Nursing		43 MoReg 575	43 MoReg 1494	
20 CSR 2200-3.100	State Board of Nursing		43 MoReg 575	43 MoReg 1494	
20 CSR 2200-3.110	State Board of Nursing		43 MoReg 577	43 MoReg 1495	
20 CSR 2200-3.120	State Board of Nursing		43 MoReg 577	43 MoReg 1495	
20 CSR 2200-3.130	State Board of Nursing		43 MoReg 577	43 MoReg 1495	
20 CSR 2200-3.180	State Board of Nursing		43 MoReg 578	43 MoReg 1495	
20 CSR 2200-4.200	State Board of Nursing	43 MoReg 977	43 MoReg 1059		
20 CSR 2200-5.010	State Board of Nursing		43 MoReg 1338R		
20 CSR 2200-8.001	State Board of Nursing		43 MoReg 579	43 MoReg 1495	
20 CSR 2200-8.010	State Board of Nursing		43 MoReg 579	43 MoReg 1496	
20 CSR 2200-8.020	State Board of Nursing		43 MoReg 581	43 MoReg 1496	
20 CSR 2200-8.030	State Board of Nursing		43 MoReg 581	43 MoReg 1496	
20 CSR 2200-8.035	State Board of Nursing		43 MoReg 582	43 MoReg 1496	
20 CSR 2200-8.050	State Board of Nursing		43 MoReg 582	43 MoReg 1496	
20 CSR 2200-8.080	State Board of Nursing		43 MoReg 582	43 MoReg 1496	
20 CSR 2200-8.085	State Board of Nursing		43 MoReg 583	43 MoReg 1497	
20 CSR 2200-8.100	State Board of Nursing		43 MoReg 583	43 MoReg 1497	
20 CSR 2210-2.070	State Board of Optometry	43 MoReg 1257	43 MoReg 1338		
20 CSR 2220-4.010	State Board of Pharmacy	43 MoReg 663	43 MoReg 699	This Issue	
20 CSR 2220-6.050	State Board of Nursing		43 MoReg 583		
20 CSR 2231-2.010	Division of Professional Registration		43 MoReg 1341		
20 CSR 2245-1.010	Real Estate Appraisers		43 MoReg 1059		
20 CSR 2245-2.010	Real Estate Appraisers		43 MoReg 1060		
20 CSR 2245-2.030	Real Estate Appraisers		43 MoReg 1061		
20 CSR 2245-5.020	Real Estate Appraisers	43 MoReg 737	43 MoReg 780		
20 CSR 2255-1.010	Missouri Board for Respiratory Care		43 MoReg 784		
20 CSR 2255-1.020	Missouri Board for Respiratory Care		43 MoReg 784		
20 CSR 2255-4.010	Missouri Board for Respiratory Care		43 MoReg 784		
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Branding		43 MoReg 785		

Agency	Publication	Effective	Expiration
<b>Office of Administration</b>			
<b>Missouri Ethics Commission</b>			
1 CSR 50-5.010	Definitions . . . . .	.43 MoReg 1121 . . . . .	Aug. 8, 2018 . . . . .Feb. 4, 2019
1 CSR 50-5.020	Registration Requirements for Committees Domiciled Outside the State of Missouri and Out-of-State Committees . . . . .	.43 MoReg 1121 . . . . .	Aug. 8, 2018 . . . . .Feb. 4, 2019
<b>Department of Agriculture</b>			
<b>Animal Health</b>			
2 CSR 30-10.010	Inspection of Meat and Poultry . . . . .	.43 MoReg 385 . . . . .	Feb. 9, 2018 . . . . .Aug. 7, 2018
<b>Department of Social Services</b>			
<b>Division of Finance and Administrative Services</b>			
13 CSR 10-4.010	Prohibition Against Expenditure of Appropriated Funds for Abortion Services . . . . .	.Aug. 15, 2018 Issue .	July 15, 2018 . . . . .Feb. 28, 2019
<b>MO HealthNet Division</b>			
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.Next Issue . . . . .	July 1, 2018 . . . . .Feb. 28, 2019
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	.Next Issue . . . . .	July 1, 2018 . . . . .Feb. 28, 2019
<b>Department of Health and Senior Services</b>			
<b>Office of the Director</b>			
19 CSR 10-15.060	Prohibition on Expenditure of Funds . . . . .	.Aug. 15, 2018 Issue .	July 15, 2018 . . . . .Feb. 28, 2019
<b>Division of Regulation and Licensure</b>			
19 CSR 30-40.420	Trauma Center Designation Requirements . . . . .	.43 MoReg 509 . . . . .	Feb. 12, 2018 . . . . .Aug. 10, 2018
19 CSR 30-40.750	ST-Segment Elevation Myocardial Infarction (STEMI) Center Designation Application and Review . . . . .	.43 MoReg 513 . . . . .	Feb. 12, 2018 . . . . .Aug. 10, 2018
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
<b>State Board of Registration for the Healing Arts</b>			
20 CSR 2150-3.080	Physical Therapists Licensure Fees . . . . .	.Aug. 15, 2018 Issue .	July 13, 2018 . . . . .Feb. 28, 2019
20 CSR 2150-3.170	Physical Therapist Assistant Licensure Fees . . . . .	.Aug. 15, 2018 Issue .	July 13, 2018 . . . . .Feb. 28, 2019
20 CSR 2150-3.300	Physical Therapy Compact Rules . . . . .	.Aug. 15, 2018 Issue .	July 13, 2018 . . . . .Feb. 28, 2019
20 CSR 2150-5.100	Collaborative Practice . . . . .	.43 MoReg 977 . . . . .	April 26, 2018 . . . . .Feb. 5, 2019
<b>State Board of Nursing</b>			
20 CSR 2200-4.200	Collaborative Practice . . . . .	.43 MoReg 977 . . . . .	April 26, 2018 . . . . .Feb. 5, 2019
<b>State Board of Pharmacy</b>			
20 CSR 2220-4.010	General Fees . . . . .	.43 MoReg 663 . . . . .	March 30, 2018 . . . . .Jan. 9, 2019
<b>State Board of Optometry</b>			
20 CSR 2210-2.070	Fees . . . . .	.43 MoReg 1257 . . . . .	May 21, 2018 . . . . .Feb. 28, 2019
<b>Real Estate Appraisers</b>			
20 CSR 2245-5.020	Application, Certificate and License Fees . . . . .	.43 MoReg 737 . . . . .	March 15, 2018 . . . . .Sept. 10, 2018

# Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
<b>2018</b>			
<b>18-04</b>	Extends the deadline from Section 3d of Executive Order 17-03 through September 30, 2018.	June 29, 2018	Next Issue
<b>18-03</b>	Reauthorizes and restructures the Homeland Security Advisory Council.	April 25, 2018	43 MoReg 1123
<b>18-02</b>	Declares a State of Emergency and activates the state militia in response to severe weather that began on Feb. 23.	Feb. 24, 2018	43 MoReg 664
<b>Proclamation</b>	Governor notifies the General Assembly that he is reducing appropriation lines in the fiscal year 2018 budget.	Feb. 14, 2018	43 MoReg 519
<b>18-01</b>	Rescinds Executive Order 07-21.	Jan. 4, 2018	43 MoReg 251
<b>2017</b>			
<b>17-24</b>	Designates members of the governor's staff to have supervisory authority over departments, divisions, and agencies of state government.	Nov. 17, 2017	43 MoReg 5
<b>17-23</b>	Advises that state offices will be closed on Friday, November 24, 2017.	Nov. 1, 2017	42 MoReg 1640
<b>17-22</b>	Implements the Emergency Mutual Assistance Compact and activates the state militia to aid the U.S. Virgin Islands in response to Hurricane Maria.	Sept. 20, 2017	42 MoReg 1579
<b>17-21</b>	Governor activates the state militia in anticipation of unrest in the St. Louis region.	Sept. 14, 2017	42 MoReg 1411
<b>17-20</b>	Governor establishes a board of inquiry to review evidence and provide a recommendation on the death sentence for inmate Marcellus Williams.	Aug. 22, 2017	42 MoReg 1361
<b>Proclamation</b>	Governor notifies the General Assembly that he is reducing appropriation lines in the fiscal year 2018 budget and permanently reducing appropriation lines in the fiscal year 2017 budget.	Aug. 1, 2017	42 MoReg 1307
<b>17-19</b>	Directs the Department of Health and Senior Services, the Department of Mental Health, the Department of Public Safety, the Department of Natural Resources, and the Department of Conservation to identify, train, equip, and assess law enforcement and emergency responder efforts to combat Missouri's Opioid Public Health Crisis.	July 18, 2017	42 MoReg 1229
<b>17-18</b>	Directs the Department of Health and Senior Services to create a prescription drug monitoring program.	July 17, 2017	42 MoReg 1143
<b>Amended Proclamation</b>	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	July 6, 2017	42 MoReg 1139
<b>17-17</b>	Creates the Missouri Justice Reinvest Taskforce to analyze Missouri's corrections system and recommend improvements.	June 28, 2017	42 MoReg 1067
<b>Proclamation</b>	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	June 7, 2017	42 MoReg 1024
<b>Proclamation</b>	Governor convenes the First Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding attracting new jobs to Missouri.	May 18, 2017	42 MoReg 1022
<b>17-16</b>	Temporarily grants the Director of the Missouri Department of Revenue discretionary authority to adjust certain rules and regulations.	May 11, 2017	42 MoReg 909
<b>17-15</b>	Temporarily grants the Director of the Missouri Department of Health and Senior Services discretionary authority to adjust certain rules and regulations.	May 8, 2017	42 MoReg 907
<b>17-14</b>	Temporarily grants the Director of the Missouri Department of Natural Resources discretionary authority to adjust certain environmental rules and regulations.	May 4, 2017	42 MoReg 905
<b>17-13</b>	Activates the state militia in response to severe weather that began on April 28, 2017.	April 30, 2017	42 MoReg 865
<b>17-12</b>	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather beginning on April 28, 2017.	April 28, 2017	42 MoReg 863
<b>17-11</b>	Establishes the Boards and Commissions Task Force to recommend comprehensive executive and legislative reform proposals to the governor by October 31, 2017.	April 11, 2017	42 MoReg 779
<b>17-10</b>	Designates members of the governor's staff to have supervisory authority over departments, divisions, and agencies of state government.	April 7, 2017	42 MoReg 777



**Executive  
Orders**

	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>17-09</b>	Establishes parental leave for state employees of the executive branch of Missouri state government and encourages other state officials to adopt comparable policies.	March 13, 2017	42 MoReg 429
<b>17-08</b>	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather that began on March 6.	March 7, 2017	42 MoReg 427
<b>17-07</b>	Establishes the Governor's Committee for Simple, Fair, and Low Taxes to recommend proposed reforms to the governor by June 30, 2017.	January 25, 2017	42 MoReg 315
<b>17-06</b>	Orders that the Missouri State Emergency Operations Plan be activated. Further orders state agencies to provide assistance to the maximum extent practicable and directs the Adjutant General to call into service such portions of the organized militia as he deems necessary.	January 12, 2017	42 MoReg 267
<b>17-05</b>	Activates the Missouri State Emergency Operation Center due to severe weather expected to begin on Jan. 12, 2017.	January 11, 2017	42 MoReg 266
<b>17-04</b>	Establishes the position of Chief Operating Officer to report directly to the governor and serve as a member of the governor's executive team.	January 11, 2017	42 MoReg 264
<b>17-03</b>	Orders every state agency to immediately suspend all rulemaking until Feb. 28, 2017, and to complete a review of every regulation under its jurisdiction within the <i>Code of State Regulations</i> by May 31, 2018.	January 10, 2017	42 MoReg 261
<b>17-02</b>	Orders state employees of the executive branch of Missouri state government to follow a specified code of conduct regarding ethics during the Greitens administration.	January 9, 2017	42 MoReg 258
<b>17-01</b>	Rescinds Executive Orders 07-10, 88-26, 98-15, and 05-40 regarding the Governor's Advisory Council on Physical Fitness and Health and the Missouri State Park Advisory Board.	January 6, 2017	42 MoReg 257

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